FEDERAL REGISTER

VOLUME 20 NUMBER 201

Washington, Friday, October 14, 1955

TITLE 3—THE PRESIDENT

PROCLAMATION 3115

COLUMBUS DAY, 1955

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS Christopher Columbus, with a fleet of three vessels, daringly set sail upon an unknown sea and persevered until he landed upon a strange shore, thus discovering a new continent and a new world; and

WHEREAS appropriate recognition should be given to the memory of this great navigator, whose exploits have inspired other brave men throughout the centuries to seek those opportunities which lie beyond the horizon; and

WHEREAS October 12, 1492, the date of the sighting of land by Columbus' intrepid crew, marks the beginning of a new epoch in mankind's ever-widening search for a freer and a richer life; and

WHEREAS a grateful Congress, in appreciation of the debt we owe to Christopher Columbus, by a joint resolution approved April 30, 1934 (48 Stat. 657) requested the President to issue a proclamation designating October 12 of each year as Columbus Day:

NOW THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate Wednesday, the twelfth day of October, 1955, as Columbus Day, and I direct that the flag of the United States be displayed on all Government buildings on that day. I also invite our citizens to observe this anniversary with ceremonies designed to honor the discoverer of America.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of October in the year of our Lord nineteen hundred and [SEAL] fifty-five, and of the Independence of the United States of America the one hundred and eightieth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 55-8397; Filed, Oct. 12, 1955; 1:39 p. m.]

EXECUTIVE ORDER 10639

AMENDMENT OF THE TARIFF OF UNITED STATES FOREIGN SERVICE FEES

By virtue of and pursuant to the authority vested in me by section 1745 of the Revised Statutes of the United States, as amended (22 U. S. C. 1201), it is hereby ordered as follows:

The Tariff of United States Foreign Service Fees, prescribed by section V-15 of the Foreign Service Regulations of the United States (Executive Order No. 7968, as amended; 22 CFR 103.1), is amended by deleting therefrom Items No. 1, 2, 3, 4, and 5.

All prior Executive orders inconsistent herewith are amended accordingly.

This order shall become effective ten days after the date of its publication in the FEDERAL REGISTER.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
October 10, 1955.

[F. R. Doc. 55-8415; Filed, Oct. 13, 1955; 12:00 m.]

EXECUTIVE ORDER 10640

THE PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE PHYSICALLY HANDICAPPED

By virtue of the authority vested in me as President of the United States, and in order to provide for the carrying out of the provisions of the Joint Resolution approved July 11, 1949, ch. 302, 63 Stat. 409, as amended, and the provisions of section 8 of the Vocational Rehabilitation Act, as amended by section 2 of the Vocational Rehabilitation Amendments of 1954 (68 Stat. 659; 29 U. S. C. 38) it is ordered as follows:

SECTION 1. *Composition of the Committee.* (a) There is hereby continued, subject to the provisions of this order and under the name of the President's Committee on Employment of the Physically Handicapped, the now existing committee of that name (heretofore sometimes referred to as the President's Committee on National Employ the Physically Handicapped Week).

(b) The President's Committee on Employment of the Physically Handicapped (hereinafter referred to as the Committee or as the President's Com-

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

mittee) shall be composed of a Chairman and not more than two Vice Chairmen, who shall be appointed by and serve at the pleasure of the President, and of so many other members as may be appointed thereto from time to time by the Chairman of the President's Committee upon the advice of the Executive Committee (hereinafter provided for) from among persons (including representatives of organizations) who can contribute to the achievement of the objectives of the Committee. Members appointed by the Chairman shall be appointed for a period of three years and may be reappointed. The foregoing provisions of this subsection shall not operate to terminate the membership of any person who is a member of the Committee immediately prior to the issuance of this order. The Chairman of the President's Committee, with the approval of the Executive Committee, may

at any time terminate the service of any member of the President's Committee, except any member appointed by the President.

(c) The Chairman of the President's Committee, upon the advice of the Executive Committee, may designate as, or invite to be, associate members of the President's Committee any heads of Federal departments and agencies which have responsibility for rehabilitation services or promotional activities touching the field of interest of the Committee or which are leading utilizers of physically handicapped personnel, Governors of States and territories, and representatives of such heads or Governors.

SEC. 2. *Functions of the Committee.* The President's Committee shall facilitate the development of maximum employment opportunities for the physically handicapped. To this end the Committee shall supply information to employers, conduct a program of public education, and enlist the aid and cooperation of Federal officials, State officials, Governor's committees, local committes, professional trade groups, and organized labor. In carrying out the functions vested in it by section 3 of the Vocational Rehabilitation Act, as amended, the Committee shall work closely with the Department of Labor, Department of Health, Education, and Welfare, the Veterans' Administration, State employment-security agencies, and State vocational-rehabilitation agencies. Representatives of industry, labor, and public and private agencies may be invited to attend meetings of the President's Committee.

SEC. 3. *Executive Committee.* (a) There is hereby established the Executive Committee of the President's Committee on Employment of the Physically Handicapped. The Executive Committee shall be composed of the Chairman of the President's Committee, who shall also be the Chairman of the Executive Committee, the Vice Chairmen of the President's Committee, and so many additional members as will provide an Executive Committee of not less than fifteen and not more than forty members. The said additional members shall be appointed annually by the Chairman of the President's Committee, from among the members of the President's Committee or otherwise. The Chairman of the President's Committee may at any time terminate the service of any member of the Executive Committee.

(b) The Executive Committee shall advise and assist the Chairman of the President's Committee in the conduct of the business of the President's Committee and, as authorized by the President's Committee or the Chairman thereof (with due regard for the responsibilities of other Federal agencies), shall study the problems of the physically handicapped in obtaining and retaining suitable employment, invite authorities in the various professional, technical, and other pertinent fields to assist in the exploration of those problems, and review and develop plans and projects for promoting the employment of the physically handicapped.

SEC. 4. *Advisory Council.* There is hereby established the Advisory Council on Employment of the Physically Handicapped, which shall advise the President's Committee with respect to the responsibilities of the Committee. The Council shall be composed of the Chairman of the President's Committee, who shall also be the Chairman of the Council, and of the following-named officers, or their respective alternates: the Secretary of Commerce, Secretary of Labor, the Secretary of Health, Education, and Welfare, the Administrator of Veterans' Affairs, and the Chairman of the United States Civil Service Commission.

SEC. 5. *Administrative and incidental matters.* (a) The President's Committee, the Executive Committee, and the Advisory Council shall each meet on the call of the Chairman of the President's Committee at a time and place designated by him. In the case of the President's Committee and the Executive Committee, the Chairman shall call at least one meeting and two meetings, respectively, to be held during each calendar year.

(b) In the absence of designation by the President, the Chairman of the President's Committee may from time to time designate a Vice Chairman of the President's Committee to be one or more of the following-named in the absence of the Chairman: Acting Chairman of the President's Committee, Acting Chairman of the Executive Committee, and Acting Chairman of the Advisory Council. The Chairman of the President's Committee shall from time to time assign other duties to the Vice Chairmen thereof.

(c) The Chairman of the President's Committee shall on behalf of the President direct the Committee and its functions.

(d) The Chairman may from time to time prescribe such necessary rules, procedures, and policies relating to the President's Committee, the Executive Committee, and the Advisory Council, and their affairs, as are not inconsistent with law or with the provisions of this order.

(e) All members (including the Chairman and Vice Chairmen) of the President's Committee, the Executive Committee, and the Advisory Council shall serve without compensation. The Chairman and the Vice Chairmen of the President's Committee may receive transportation and per-diem allowances as authorized by law for persons serving without compensation.

(f) Employees of the Committee shall be appointed, subject to law, and shall be directed, by the Chairman of the Committee. To such extent as may be mutually arranged by the Chairman of the Committee and the Secretary of Labor, employees of the Committee shall be subject to the administrative rules, regulations, and procedures of the Department of Labor.

(g) The Department of Labor is requested to make available to the President's Committee necessary office space and to furnish the Committee, under such arrangements respecting financing as may be appropriate, necessary equipment, supplies, and services. The estimates of appropriations for the operations of the Committee shall be included within the framework of the appropriation structure of the Department of Labor, in such manner as the Director of the Bureau of the Budget may prescribe. The Chairman of the Committee, in cooperation with the Budget Office of the Department of Labor, shall be responsible for the preparation and justification of the estimates of appropriations for the Committee.

SEC. 6. *Prior orders.* To the extent that this order is inconsistent with any provision of any other order, or with any provision of any regulation or other measure or disposition, issued, made, or taken by the President or by any other officer of the executive branch of the Government, this order shall control.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
October 10, 1955.

[F. R. Doc. 55-8416; Filed, Oct. 13, 1955; 12:00 m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; NEBRASKA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below are determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

NEBRASKA County:	*Average value*
Adams	$23,000
Antelope	22,000
Arthur	22,000
Banner	25,000
Blaine	22,000
Boone	22,000
Box Butte	25,000
Boyd	22,000
Brown	22,000
Buffalo	25,000
Burt	25,000
Butler	25,000
Cass	25,000
Cedar	22,000
Chase	25,000
Cherry	22,000
Cheyenne	25,000

NEBRASKA—Continued

County—Continued	Average value
Clay	$23,000
Colfax	25,000
Cuming	25,000
Custer	22,000
Dakota	25,000
Dawes	25,000
Dawson	25,000
Deuel	25,000
Dixon	22,000
Dodge	25,000
Douglas	25,000
Dundy	25,000
Fillmore	23,000
Franklin	23,000
Frontier	23,000
Furnas	23,000
Gage	23,000
Garden	25,000
Garfield	22,000
Gosper	23,000
Grant	22,000
Greeley	22,000
Hall	25,000
Hamilton	25,000
Harlan	23,000
Hayes	23,000
Hitchcock	23,000
Holt	22,000
Hooker	22,000
Howard	22,000
Jefferson	23,000
Johnson	23,000
Kearney	25,000
Keith	25,000
Keya Paha	22,000
Kimball	25,000
Knox	22,000
Lancaster	25,000
Lincoln	25,000
Logan	22,000
Loup	22,000
McPherson	22,000
Madison	22,000
Merrick	25,000
Morrill	25,000
Nance	22,000
Nemaha	25,000
Nuckolls	23,000
Otoe	25,000
Pawnee	23,000
Perkins	25,000
Phelps	25,000
Pierce	22,000
Platte	25,000
Polk	25,000
Redwillow	23,000
Richardson	25,000
Rock	22,000
Saline	23,000
Sarpy	25,000
Saunders	25,000
Scotts Bluff	25,000
Seward	25,000
Sheridan	25,000
Sherman	22,000
Sioux	25,000
Stanton	22,000
Thayer	23,000
Thomas	22,000
Thurston	25,000
Valley	22,000
Washington	25,000
Wayne	22,000
Webster	23,000
Wheeler	22,000
York	25,000

(Sec. 41 (i), 60 Stat. 1066; 7 U. S. C. 1015 (i). Applies sec. 3 (a), 60 Stat. 1074; 7 U. S. C. 1003 (a))

Dated: October 11, 1955.

[SEAL] R. B. MCLEAISH,
Administrator,
Farmers Home Administration.

[F. R. Doc. 55-8377; Filed, Oct. 13, 1955; 8:51 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; NEW JERSEY

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below are determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

NEW JERSEY

County	Average value
Atlantic	$20,000
Bergen	35,000
Burlington	25,000
Camden	20,000
Cape May	20,000
Cumberland	20,000
Gloucester	20,000
Hunterdon	30,000
Mercer	25,000
Middlesex	25,000
Monmouth	25,000
Morris	30,000
Ocean	20,000
Somerset	30,000
Sussex	30,000
Warren	30,000

(Sec. 41 (i), 60 Stat. 1066; 7 U. S. C. 1015 (i). Applies sec. 3 (a), 60 Stat. 1074; 7 U. S. C. 1003 (a))

Dated: October 11, 1955.

[SEAL] R. B. MCLEAISH,
Administrator
Farmers Home Administration.

[F. R. Doc. 55-8378; Filed, Oct. 13, 1955; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 1003—DOMESTIC DATES PRODUCED OR PACKED IN LOS ANGELES AND RIVERSIDE COUNTIES OF CALIFORNIA

ESTABLISHMENT OF ADDITIONAL GRADE REGULATIONS FOR THE 1955-56 CROP YEAR

In accordance with the provisions of Marketing Agreement No. 127 and Order No. 103 (20 F R. 5056) regulating the handling of domestic dates produced or packed in Los Angeles and Riverside Counties of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.) and upon the basis of the recommendation of the Date Administrative Committee established under the aforesaid marketing agreement and order, and other available information, it is hereby found that the additional grade regulation hereinafter provided, applicable to the shipment of Deglet Noor dates during the effective period thereof, will tend to effectuate the declared policy of the act.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and postpone the effective date of this regulation later than October 14, 1955 (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation to comply with the regulation; and good cause exists for making the provisions hereof effective at the indicated time.

The shipment of early varieties of 1955 crop dates has already begun and it is expected that shipments of Deglet Noor dates, the principal variety, will approach significant volume during the next few weeks. All shipments of dates in whole and pitted form since September 1, 1955, have been subject to the minimum standards of quality (Grade C of the effective U. S. Standard for Grades of Dates) provided for in § 1003.39 of the agreement and order. Early inspections of 1955 crop Deglet Noor dates have shown that lots meeting the minimum requirements of Grade C have, in some instances, been below that state of maturity which it is deemed in the public interest should be required for domestic sale in whole or pitted form. The additional grade regulation set forth below will result in an improvement in the average quality of dates sold to consumers during 1955-56.

It is therefore ordered that the shipment of Deglet Noor dates shall be in accordance with the following regulation during the effective period thereof:

§ 1003.202 *Additional grade regulation.* Beginning at 12:01 a. m., P. s. t., October 14, 1955 and ending at 12:01 a. m., P. s. t., August 1, 1956, Deglet Noor whole and pitted dates handled under this part shall meet the requirements of U. S. Grade C of the United States Standards for Grades of Dates, effective August 26, 1955 (20 F R. 5755) *Provided,* That, such dates shall score not less than 30 points for character, as defined in § 52.1009 of this chapter.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 11, 1955.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-8374; Filed, Oct. 13, 1955; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6296]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MAX FEUER ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Producer status of dealer or seller: *Manufacturer;* § 13.30 *Composition of goods;* § 13.73 *Formal regulatory and statutory re-*

quirements: Fur Products Labeling Act; § 13.155 *Prices:* Comparative; § 13.235 *Source or origin:* Maker or seller, etc. Subpart—*Misbranding or mislabeling:* § 13.1185 *Composition;* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1260 *Nature;* § 13.1325 *Source or origin.* Maker or seller, etc.. *Fur Products Labeling Act;* Place: *Foreign, in general.* Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1590 *Composition;* § 13.1623 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1685 *Nature;* § 13.1745 *Source or origin:* Maker or seller, etc., Place: *Foreign, in general;* [*Misrepresenting oneself and goods*]—Prices: § 13.1785 *Comparative.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition.* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1870 *Nature:* Fur Products Labeling Act; § 13.1900 *Source or origin:* Fur Products Labeling Act: *Maker or seller etc., Place.* I. In connection with the introduction, or the manufacture for introduction, or the sale, advertisement, offer for sale, transportation, or distribution of fur products in commerce, or in connection with the manufacture for sale, sale, advertising, offer for sale, transportation, or distribution of fur products made in whole or in part of fur which had been shipped and received in commerce, as "commerce" "fur" and "fur product" are defined in the Fur Products Labeling Act (all other charges in the complaint not specifically covered in the order having been dismissed as to both respondents) (A) Misbranding fur products by: (1) Failing to affix labels to fur products showing: (a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations; (b) that the fur product contains or is composed of bleached, dyed, or artificially colored fur when such is a fact; (c) that the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur when such is a fact; (d) the name, or other identification issued and registered by the Commission of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered for sale in commerce, or transported or distributed it in commerce; (e) the name of the country of origin of any imported furs used in the fur product; (2) setting forth on labels attached to fur products, the name or names of any animal or animals other than the name or names provided for in "(A) (1) (a)" above; (3) setting forth on labels attached to fur products, non-required information mingled with required information; (B) falsely or deceptively invoicing fur products by: (1) Failing to furnish invoices to purchasers of fur products showing: (a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations; (b) that the fur product contains or is composed of bleached, dyed, or artificially colored fur when such is a fact; (c) that the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur when such is a fact; (d) the name and address of the person issuing such invoices; (e) the name of the country of origin of any imported furs contained in the fur products; (2) using on invoices the name or names of any animal or animals other than the name or names provided for in "(B) (1) (a)" above; (3) setting forth on invoices pertaining to fur products, required information in abbreviated form; (C) falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice, which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which: (1) Fails to disclose the name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations; (2) fails to disclose that fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur when such is the fact; (3) uses abbreviated words or terms of required information or which, if printed, fails to state in type of equal size all parts of the required information; (4) represents, directly or by implication: (a) That a sale price enables purchasers of fur products to effectuate any savings in excess of the difference between the said price and the price at which comparable products were sold during the time specified or, if no time is specified, in excess of the difference between said price and the current price at which comparable products are sold; (b) that any fur products were manufactured or designed by respondents, when such is contrary to the fact; (5) makes the pricing claims or representations referred to in "(C) (4) (a)" above, unless there is maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based, as required by Rule 44 (e) of the rules and regulations; and (D) failing to maintain and preserve full and adequate records, in the manner and form required by Rules 40 and 41 of the rules and regulations, showing the information set forth on labels which respondents have removed from fur products and in lieu thereof substituted and affixed respondents' labels thereto; and, II, in connection with the offering for sale, sale, and distribution of fur products in commerce, as "commerce" is defined in the Federal Trade Commission Act, making, directly or by implication, any of the representations prohibited in "(C) (4)" of the instant order; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f)

[Cease and desist order, Max Feuer et al. t. a. Feuer Fur Company, Chicago, Ill., Docket 6296, September 16, 1955]

In the Matter of Max Feuer and Sue Feuer, Individually and as Copartners Trading as Feuer Fur Company

This proceeding was heard by Frank Hier, hearing examiner, upon the complaint of the Commission which charged respondents with the use of unfair acts and practices in commerce in violation of the provisions of the Federal Trade Commission Act and the Fur Products Labeling Act and the rules and regulations promulgated under the latter, and upon a stipulation between the parties providing for the entry of a consent order, by the terms of which respondents admitted all the jurisdictional allegations set forth in the complaint, agreed that the record in the matter might be taken as if findings of jurisdictional facts had been made in accordance with such allegations, and expressly waived any further procedural steps before the hearing examiner or the Commission; the making of findings of facts and conclusions of law by either; and all the rights they might have to challenge or contest the validity of the order to cease and desist in accordance with the stipulation.

It was set forth in said stipulation that the record, on which the initial decision and the decision of the Commission should be based, should consist solely of the complaint and the agreement; that the agreement should not become part of the official record unless and until it became a part of the decision of the Commission; that the agreement was for settlement purposes only and did not constitute an admission by respondents that they had violated the law as alleged in the complaint.

Said stipulation further provided that all portions of the complaint which charged that respondents misrepresented that they were "Chicago's Largest Exclusive Furriers" as alleged in Paragraphs Four (e) and Seventeen (d) be dismissed for lack of proof and that the stipulation disposed of the proceeding as to all parties.

Thereafter said hearing examiner concluded that the proceeding was in the public interest; that such stipulation was an appropriate disposition thereof; and, in accordance with the action contemplated and agreed upon, made his order to cease and desist.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance", dated September 16, 1955, became, on said date, pursuant to § 3.21 of the Commission's rules of practice, the decision of the Commission.

Said order is as follows:

It is ordered, That respondents, Max Feuer and Sue Feuer, individually and as copartners trading as Feuer Fur Company, or under any other trade name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or the manufacture for introduction, or the sale, advertisement, offer for sale, transportation or distribution of fur products in commerce, or in connection with the manufacture

for sale, sale, advertising, offer for sale, transportation or distribution of fur products which have been made in whole or in part of fur which had been shipped and received in commerce, as "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of bleached, dyed, or artificially colored fur when such is a fact;

(c) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur when such is a fact;

(d) The name, or other identification issued and registered by the Commission of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered for sale in commerce, or transported or distibuted it in commerce.

(e) The name of the country of origin of any imported furs used in the fur product.

2. Setting forth on labels attached to fur products, the name or names of any animal or animals other than the name or names provided for in paragraph A (1) (a) above.

3. Setting forth on labels attached to fur products, non-required information mingled with required information.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of bleached, dyed, or artificially colored fur when such is a fact;

(c) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur when such is a fact;

(d) The name and address of the person issuing such invoices;

(e) The name of the country of origin of any imported furs contained in the fur product.

2. Using on invoices the name or names of any animal or animals other than the name or names provided for in paragraph B (1) (a) above.

3. Setting forth on invoices pertaining to fur products, required information in abbreviated form.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice, which is intended to aid, promote or assist, directly or indirectly in the sale or offering for sale of fur products, and which:

1. Fails to disclose the name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

2. Fails to disclose that fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur when such is the fact;

3. Uses abbreviated words or terms of required information or which, if printed, fails to state in type of equal size all parts of the required information;

4. Represents directly or by implication:

(a) That a sale price enables purchasers of fur products to effectuate any savings in excess of the difference between the said price and the price at which comparable products were sold during the time specified or, if no time is specified, in excess of the difference between said price and the current price at which comparable products are sold;

(b) That any fur products were manufactured or designed by respondents, when such is contrary to the fact.

5. Makes the pricing claims or representations referred to in paragraph C (4) (a) above, unless there is maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based, as required by Rule 44 (e) of the rules and regulations.

D. Failing to maintain and preserve full and adequate records, in the manner and form required by Rules 40 and 41 of the rules and regulations, showing the information set forth on labels which respondents have removed from fur products and in lieu thereof substituted and affixed respondents' labels thereto.

It is further ordered, That respondents Max Feuer and Sue Feuer, individually and as copartners trading as Feuer Fur Company, or under any other trade name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of fur products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do further cease and desist from making, directly or by implication, any of the representations prohibited by paragraph C (4) of this order.

It is further ordered, That all other charges contained in the complaint not specifically covered in the above order are herewith dismissed as to both respondents.

By said "Decision of the Commission" etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 16, 1955.

By the Commission.

[SEAL] JOHN R. HEIM, *Acting Secretary.*

[F. R. Doc. 55-8366; Filed, Oct. 13, 1955; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

PART 1—CERTIFICATION, IDENTIFICATION, AND MARKING OF AIRCRAFT AND RELATED PRODUCTS

REVISION OF PART

Because of the number of outstanding amendments to Part 1 there follows a revision of Part 1 incorporating all amendments thereto which were in effect on October 1, 1955.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

Part 1—Certification, Identification, and Marking of Aircraft and Related Products

APPLICABILITY AND DEFINITIONS

TYPE CERTIFICATES

CHANGES IN TYPE DESIGN

SUPPLEMENTAL TYPE CERTIFICATES

PRODUCTION CERTIFICATES

AIRCRAFT AND PRODUCT IDENTIFICATION

REPLACEMENT AND MODIFICATION PARTS

AIRWORTHINESS CERTIFICATES

AUTHORITY: §§ 1.0 to 1.110 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, 1026, as amended; 49 U. S. C. 551, 553, 672.

APPLICABILITY AND DEFINITIONS

§ 1.0 *Applicability of this part.* This part establishes administrative requirements for the issuance of type, production, and airworthiness certificates, and for the identification and marking of aircraft and related products.

§ 1.1 *Definitions.* As used in this part, terms are defined as follows:

(a) *Administration*—(1) *Administrator.* The Administrator is the Administrator of Civil Aeronautics.

(2) *Applicant.* An applicant is a person or persons applying for approval of an aircraft or any part thereof.

(3) *Approved.* Approved, when used alone or as modifying terms such as means, devices, specifications, etc., shall mean approved by the Administrator.

(4) *Authorized representative of the Administrator* An authorized representative of the Administrator means any employee of the Civil Aeronautics Administration or any private person, authorized by the Administrator to perform any of the duties delegated to the Administrator by the provisions of this part.

(5) *Person.* Person means any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.[1]

(6) *Prime manufacturer.* A prime manufacturer means the person who initiated the design and construction of the product and who applied for the type certificate, or any person to whom a current right to reproduce the product has been transferred.

(7) *Subsidiary manufacturer.* A subsidiary manufacturer means the person who contracted with the prime manufacturer to produce and to supply to the prime manufacturer major assemblies and components which are manufactured in conformity with the prime manufacturer's approved drawings and data for the fabrication of the product.

(8) *United States.* United States means the several States, the District of Columbia, and the several Territories and possessions of the United States, including the Territorial waters and the overlying air space thereof.[1]

(b) *Design*—(1) *Aircraft.* An aircraft means any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air.[1]

(2) *Aircraft engine.* An aircraft engine means an engine used, or intended to be used, for propulsion of aircraft and includes all parts, appurtenances, and accessories thereof other than propellers.[1]

(3) *Appliances.* Appliances mean instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight (including parachutes and including communication equipment and any other mechanism or mechanisms installed in or attached to aircraft during flight), and which are not a part or parts of aircraft, aircraft engines, or propellers.[1]

(4) *Product.* The term product, as used in this part, means: (i) An aircraft, (ii) an aircraft engine, (iii) a propeller, or (iv) any appliance specified in this subchapter (the Civil Air Regulations) as eligible for a type certificate.

(5) *Propeller* A propeller includes all parts, appurtenances, and accessories thereof.[1]

§ 1.2 *Type design.* The type design shall consist of such drawings and specifications as are necessary to disclose the configuration of the product and all the design features covered in the requirements of that part of the regulations in this subchapter under which the product is certificated, such information on dimensions, materials, and processes as is necessary to define the structural strength of the product, and such other data as are necessary to permit by comparison the determination of the airworthiness of subsequent products of the same type.

TYPE CERTIFICATES

§ 1.10 *Application.* Any person, whether or not a citizen of the United States, may apply for the issuance of a type certificate. The application for a type certificate for a specified product shall be made upon a form and in a manner prescribed by the Administrator.

§ 1.11 *Products for which issued.* A type certificate may be issued for an aircraft, aircraft engine, propeller, or any appliance for which certification is provided elsewhere in this subchapter.

§ 1.12 *Requirements for issuance.* A type certificate for a product shall be issued when:

(a) The applicant has submitted the type design (see § 1.2) test reports, and computations as may be required by that part of the regulations in this subchapter under which the product is to be certificated.

(b) Upon examination of the type design and the completion of all tests and inspections, the Administrator finds that the type design meets the requirements of the applicable regulations in this subchapter.

§ 1.13 *Location of manufacturing facilities.* No type certificate for a product shall be issued if the manufacturing facilities therefor are located outside the United States, unless where facilities are located outside the United States the Administrator finds that no undue burden on the Government is created in administering applicable requirements of the act or regulations issued thereunder.

§ 1.14 *Transferability.* A type certificate may be transferred or made available to third persons by licensing agreements, and the grantor shall immediately notify the Administrator in writing of any transfer, licensing agreement, or termination thereof. The provisions of § 1.13 shall be complied with.

§ 1.15 *Inspections and tests.* (a) A representative of the Administrator shall be permitted to make such inspections and, in the case of aircraft, flight tests as may be necessary to determine compliance with applicable requirements.

(b) A product manufactured under a type certificate only shall be required to undergo inspection by a representative of the Administrator to determine whether individual products conform with the type design.

(c) The manufacturer of a product being manufactured under a type certificate only shall maintain at the place of manufacture such technical data and drawings as may be necessary to determine whether the product or any part thereof conforms to the current type design.

(d) A manufacturer producing a product under the terms of a type certificate without a related production certificate shall provide, for products manufactured after six months from the date of issuance of the type certificate, a production inspection system approved by the Administrator which will give assurance that each article produced is in conformity with the type design and is in a condition for safe operation.

§ 1.16 *Duration.* A type certificate shall remain in effect until surrendered, suspended, revoked, or a termination date is otherwise established by the Board.

1.17 *Display.* Type certificates shall be made available for examination by an authorized representative of the Board or of the Administrator.

[1] As defined in section 1 of the Civil Aeronautics Act of 1938, as amended.

§ 1.18 *Privileges.* The holder or licensee of a type certificate for a product may, in the case of aircraft, obtain airworthiness certificates (see applicable §§ 1.60 through 1.72) or in the case of engines, propellers, or other products, obtain approval for installation on certificated aircraft; he may obtain a production certificate for such products (see §§ 1.30 through 1.46)

§ 1.19 *Statement of conformity.* (a) The holder of a type certificate only or of a current right to the benefits of a type certificate only under a licensing arrangement, upon the initial transfer by him of the ownership of any product manufactured under such type certificate or upon application for original issuance of an airworthiness certificate for an aircraft, shall furnish to an authorized representative of the Administrator a statement of conformity for such product on a form prescribed by the Administrator. For aircraft manufactured under a type certificate only, there shall be included a statement that the aircraft referred to has been flight checked. For aircraft engines and for variable pitch propellers manufactured under a type certificate only, there shall be included a statement that the engine or propeller referred to has been subjected by the manufacturer to a final operational check. When a production certificate is held in addition to the type certificate, the provisions of § 1.35 shall apply. The Administrator may consider military acceptance in lieu of a statement of conformity for a product which has been manufactured for the military service.

(b) A statement of conformity shall be furnished to an authorized representative of the Administrator, upon a form and in a manner prescribed by the Administrator, for any prototype product presented for type certification.

CHANGES IN TYPE DESIGN

§ 1.20 *General.* When the type design is changed, the applicant shall demonstrate that the product complies with the requirements of that part of the regulations in this subchapter under which it was certificated.

§ 1.21 *Classification of changes.* Changes shall be classified as minor and major. A minor change shall be one which has no appreciable effect on the weight, balance, structural strength, reliability, operational characteristics, or other characteristics affecting the airworthiness of the product. A major change shall be one not classified as a minor change.

§ 1.22 *Approval of minor changes.* Minor changes in a type design may be approved in accordance with a method acceptable to the Administrator prior to the submittal to the Administrator of any substantiating or descriptive data.

§ 1.23 *Approval of major changes.* Major changes in a type design shall be approved only after receipt by the Administrator of substantiating data and necessary descriptive data for inclusion in the type design.

§ 1.24 *Service experience changes.* (a) Where the Administrator finds as a result of service experience that an unsafe condition exists with respect to a design feature, part or characteristic of any product, and that such a condition is likely to exist or develop in other products of the same type design, he shall provide notice [2] thereof for all operators of products of that type, and the product shall not thereafter be operated until the unsafe condition has been corrected, unless otherwise authorized by the Administrator under specified conditions and limitations, including inspections. In addition, the provisions of subparagraphs (1) and (2) of this paragraph shall apply.

(1) When the Administrator finds that design changes are necessary to correct the unsafe condition of the product, the holder of the type certificate, upon request of the Administrator, shall submit appropriate design changes for the approval of the Administrator.

(2) Upon approval, the descriptive data covering the changes shall be made available by the holder of the type certificate to all operators of products previously certificated under such type certificate.

(b) Where no current unsafe condition exists but the Administrator or the holder of the type certificate finds through service experience that changes in type design will contribute to the safety of the product, the holder of the type certificate may submit appropriate design changes for the approval of the Administrator. Upon approval of such changes the manufacturer shall make available to all operators of the same type of product information on the design changes.

SUPPLEMENTAL TYPE CERTIFICATES

§ 1.25 *Supplemental type certificates.* When a person, other than the holder of the type certificate for a product, alters the product by introducing a major change (see § 1.21) in a previously approved type design, and the change is not so extensive as to require application for a new type certificate (see §§ 3.11 (e) 4b.11 (e) 5.11 (e) 6.11 (e) 13.11 (e), and 14.11 (e) of this chapter) such person shall apply for the issuance of a supplemental type certificate covering the design change. The application shall be made upon a form and in a manner prescribed by the Administrator.

§ 1.26 *Applicable requirements.* The applicant for a supplemental type certificate shall demonstrate that the altered product meets the airworthiness requirements which are applicable to the product involved (see §§ 3.11 (d) 4b.11 (d) 5.11 (d) 6.11 (d) 13.11 (d), and 14.11 (d) of this chapter)

§ 1.27 *Requirements for issuance.* Upon receipt of an application and a satisfactory demonstration of compliance with the applicable requirements in accordance with §§ 1.25 and 1.26, the Administrator shall indicate approval of the change in type design. Such approval together with the previously issued type certificate for the product shall constitute a supplemental type certificate.

§ 1.28 *Privileges.* The holder or licensee of a supplemental type certificate for an altered product may, in the case of aircraft, obtain airworthiness certificates (see applicable §§ 1.60 through 1.72) or in the case of engines, propellers, or other products, obtain approval for installation on certificated aircraft; he may obtain a production certificate (see §§ 1.30 through 1.46) with respect to the change in the type design for which approval was obtained in accordance with § 1.27.

NOTE: The provisions of this section are not intended to affect in any way the proprietary rights of the holder of a type certificate or of a supplemental type certificate.

PRODUCTION CERTIFICATES

§ 1.30 *Application.* Any person, whether or not a citizen of the United States, may apply for the issuance of a production certificate. The application for a production certificate shall be made upon a form and in a manner prescribed by the Administrator.

§ 1.31 *Products for which issued.* A production certificate shall be issued only for products for which a type certificate is currently in effect. The applicant shall hold a currently effective type certificate for the product to be manufactured or shall hold a current right to the benefits of such certificate under a licensing agreement.

§ 1.32 *Requirements for issuance.* A person shall be issued a production certificate when the Administrator finds, after examination of the supporting data and after inspection of the organization and production facilities, that the applicant complies with the requirements of §§ 1.33 through 1.36.

§ 1.33 *Location of manufacturing facilities.* No production certificate for a product shall be issued if the manufacturing facilities therefor are located outside the United States, unless where facilities are located outside the United States the Administrator finds that no undue burden on the Government is created in administering applicable requirements of the act or regulations issued thereunder.

§ 1.34 *Quality control.* The applicant shall show that he is adequately prepared to manufacture and control the quality of any product for which he requests production certification, so that each article shall conform with the design provisions of the pertinent type certificate. A product manufactured under a production certificate may be required to undergo inspection by a representative of the Administrator to determine whether the individual product conforms to the type design.

§ 1.35 *Privileges.* It shall not be necessary for the holder of a production certificate to furnish a statement of conformity for each of the products produced under the terms of the production certificate. The holder of a production

[2] Notification of any unsafe condition, of the required corrective action, and of compliance dates is usually provided through the medium of Airworthiness Directives issued by the Administrator.

certificate may obtain an airworthiness certificate in the case of aircraft (see § 1.67 (a)) and in the case of engines, propellers, or other products may obtain approval for installation on certificated aircraft.

§ 1.36 *Quality control data requirements; prime manufacturer* The applicant shall submit for approval by the Administrator, as evidence of his ability to control the quality of any product for which he requests a production certificate, data describing the inspection and test procedures necessary to insure that each article produced is in conformity with the type design and is in a condition for safe operation. The data submitted shall include such of the following as are applicable to the product involved:

(a) A statement describing assigned responsibilities and delegated authority of the quality control organization, together with a chart indicating the functional relationship of the quality control organization to management and to other organizational components and indicating the chain of authority and responsibility within the quality control organization.

(b) A description of inspection procedures applying to raw materials, outside purchased items, and parts and assemblies produced by subsidiary manufacturers. The information shall include the methods used to insure acceptable quality of parts and assemblies which cannot be completely inspected for conformity and quality when delivered to the prime manufacturer's plant.

(c) A description of the methods used for production inspection of individual parts and complete assemblies, including the identification of any special manufacturing processes involved, the description of the means used to control such processes, a description of the final test procedure for the complete product, and, in the case of aircraft, a copy of the manufacturer's production flight test procedure and checkoff list.

(d) An outline of the materials review system, including the procedure for recording review board decisions and disposing of rejected parts.

(e) An outline of a system by means of which company inspectors are kept currently informed regarding changes in engineering drawings, specifications, and quality control procedures.

(f) A list or chart showing location and type of inspection stations.

§ 1.37 *Information on subsidiary manufacturers.* The prime manufacturer shall make available information regarding all major inspections accomplished by a subsidiary manufacturer for acceptance of parts or assemblies for which the prime manufacturer is responsible.

§ 1.38 *Changes in quality control system.* Subsequent to the issuance of a production certificate, any changes to the quality control system shall be subject to review by the Administrator. The holder of a production certificate shall immediately notify the Administrator in writing of any such changes affecting the data prescribed in § 1.36.

§ 1.39 *Multiple products.* The Administrator may authorize more than one type certificated product to be manufactured under the terms of one production certificate provided that the products have similar production characteristics.

§ 1.40 *Production limitation record.* A production limitation record shall be issued as part of a production certificate. The record shall list the type certificate of every product which the applicant is authorized to manufacture under the terms of a production certificate. Where different models of a basic type approved under the same type certificate number require different fabrication methods and processes, the Administrator may list the model designation of the product for which authorization is given, as well as the type certificate number, on the production limitation record.

§ 1.41 *Modification of the production limitation record.* The holder of a production certificate desiring the addition of a type certificate and/or model to the production certificate shall submit an application therefor upon a form and in a manner prescribed by the Administrator. The applicant shall comply with the applicable requirements of §§ 1.32 through 1.36 and 1.38.

§ 1.42 *Transferability.* A production certificate shall not be transferred.

§ 1.43 *Inspections and tests.* A representative of the Administrator shall be permitted to make such inspections and, in the case of aircraft, flight tests as may be necessary to determine compliance with the requirements of the regulations in this subchapter.

§ 1.44 *Duration.* A production certificate shall remain in effect until surrendered, suspended, revoked, or a termination date is otherwise established by the Board, or the location of the manufacturing facility is changed.

§ 1.45 *Display.* A production certificate shall be prominently displayed in the main office of the factory.

§ 1.46 *Responsibility of holder.* The holder of a production certificate shall maintain the quality control system in conformity with the data and procedures approved for the production certificate. He also shall determine that each completed product submitted for airworthiness certification or approval is in conformity with the type design and is in a condition for safe operation.

AIRCRAFT AND PRODUCT IDENTIFICATION

§ 1.50 *Identification.* (a) Each product manufactured under the terms of a type or production certificate shall display permanently such data as may be required to show its identity. The data shall include such of the following items as the Administrator finds appropriate: (1) Manufacturer's name, (2) model designation, (3) manufacturer's serial number (if article is numbered serially), otherwise the date of manufacture, except that articles subject to deterioration as a result of aging (parachutes, parachute flares, etc.), shall bear the date of manufacture in addition to the serial number, if any, (4) type certificate number, (5) production certificate number, (6) capacity or rating.

REPLACEMENT AND MODIFICATION PARTS

§ 1.55 *Applicable rules.* Any person other than the holder of the type certificate producing replacement or modification parts for sale for installation on a type certificated product shall comply with §§ 1.12 (a) and (b) 1.13, 1.15 (a) and (d), 1.20, and 1.50 (also see § 1.25).

NOTE: The provisions of this section are not applicable to parts produced under the terms of a type and/or production certificate, to parts produced by owners or operators for maintaining or altering their own product, or to standard parts (such as bolts and nuts) conforming to established industry or Government specifications; e. g., SAE and military specifications, and CAA Technical Standard Orders.

AIRWORTHINESS CERTIFICATES

§ 1.60 *Application.* Any U. S. citizen may apply for issuance of an airworthiness certificate for an aircraft provided that he is the registered owner of the aircraft or his agent. The application for an airworthiness certificate shall be made upon a form and in a manner prescribed by the Administrator.

§ 1.61 *Aircraft categories for which airworthiness certificates are issued.* Airworthiness certificates are issued for aircraft whose type design has been certificated under the normal, utility, acrobatic, or transport categories, for aircraft of the restricted category, and for surplus military aircraft in the limited category. In addition, experimental certificates and special flight permits are issued.

§ 1.62 *Amendment or modification.* An airworthiness certificate may be amended or modified only upon application to the Administrator.

§ 1.63 *Transferability.* An airworthiness certificate shall be transferred with the aircraft.

§ 1.64 *Duration.* (a) Unless sooner surrendered, suspended, revoked, or a termination date is otherwise established by the Board, the duration of an airworthiness certificate shall be in accordance with the provisions of subparagraphs (1) through (3) of this paragraph.

(1) *Experimental aircraft.* An experimental certificate shall remain in effect for one year from the date of issuance or renewal, unless a shorter period is established by the Administrator.

(2) *Aircraft maintained under a continuous maintenance system.* An airworthiness certificate issued for an aircraft maintained under an approved continuous maintenance system shall remain in effect without renewal during the period the aircraft is maintained in accordance with such a system.

(3) *Other aircraft.* Except as provided in subparagraphs (1) and (2) of this paragraph, airworthiness certificates on other aircraft shall remain in effect for one year after the date of issuance or renewal. The airworthiness certificate shall be renewed upon satisfactory completion of the annual inspection elsewhere required in the regulations of this subchapter.

(b) The Administrator may, from time to time, reinspect any aircraft or part thereof to see whether it is in an airworthy condition. The owner, operator, or bailee of the aircraft shall make it available for such inspection upon request.

(c) Upon suspension, revocation, or the general termination by order of the Board of an airworthiness certificate, the owner, operator, or bailee of an aircraft shall, upon request, surrender the certificate to an authorized representative of the Administrator.

§ 1.65 *Display.* An airworthiness certificate shall be carried in the aircraft at all times, and shall be displayed as prescribed by the Administrator.

§ 1.66 *Airworthiness certificates for normal, utility acrobatic, and transport categories.* Aircraft certificated in the normal, utility, acrobatic, and transport categories may be used for the carriage of persons and property for compensation or hire. This provision shall also apply to import aircraft certificated in accordance with Part 10 of this subchapter and § 1.67 (c) of this part.

§ 1.67 *Airworthiness certificate; requirements for issuance.* The requirements for the issuance of an airworthiness certificate are stated in paragraphs (a) through (c) of this section.

(a) *Aircraft manufactured under a production certificate.* An applicant for the original issuance of an airworthiness certificate for an aircraft, whose type design was certificated in categories other than the limited category, manufactured under the terms of a production certificate, may be issued such certificate without further showing. The Administrator may inspect the aircraft to see if it conforms to the type design.

(b) *Aircraft manufactured under type certificate only.* An applicant for the original issuance of an airworthiness certificate for an aircraft, whose type design was certificated in categories other than the limited category, manufactured under the terms of a type certificate only, shall be issued such certificate upon presentation of a statement of conformity for such aircraft issued by the manufacturer when, upon inspection of the aircraft, the Administrator finds that the aircraft conforms to the type design, and is in a condition for safe operation.

(c) *Import aircraft.* An applicant for the original issuance of an airworthiness certificate for an import aircraft type certificated in accordance with Part 10 of this subchapter shall be issued such certificate when the government of the country where the aircraft was manufactured certifies, or the Administrator finds, that the aircraft conforms to the type design and is in a condition for safe operation.

§ 1.68 *Airworthiness certificates for restricted category aircraft.* Aircraft certificated in the restricted category shall not be used for the carriage of persons or cargo for compensation or hire. For purposes of this section, crop dusting, seeding, and other similar specialized operations are not considered as the carriage of persons or cargo for compensation or hire. Other special limitations for such aircraft are prescribed under the provisions of Part 8 of this subchapter. This section shall also apply to import aircraft certificated in accordance with Part 10 of this subchapter and § 1.69 of this part.

§ 1.69 *Airworthiness certificates for restricted category aircraft; requirements for issuance.* The requirements for issuance of an airworthiness certificate for an aircraft in the restricted category are as stated in paragraphs (a) and (b) of this section.

(a) *Aircraft manufactured under a production certificate or type certificate only.* An applicant for the original issuance of an airworthiness certificate for an aircraft in the restricted category, type certificated under the provisions of § 8.10 (a) (1) of this subchapter, shall comply with the appropriate provisions of § 1.67.

(b) *Other aircraft.* An applicant for the issuance of an airworthiness certificate for aircraft of the restricted category other than those referred to in paragraph (a) of this section, such as surplus military aircraft and modified civil aircraft, may be issued such certificate when he demonstrates compliance with the provisions of subparagraphs (1) through (3) of this paragraph.

(1) The aircraft has been type certificated under the provisions of § 8.10 (a) (2) of this subchapter, or modified under the provisions of § 8.10 (b) of this subchapter;

(2) The aircraft has been inspected by the Administrator and found by him to be in a good state of preservation and repair and in condition for safe operation; and

(3) The Administrator has prescribed operating limitations in accordance with Part 8 of this subchapter.

§ 1.70 *Multiple airworthiness certification.* Multiple airworthiness certification shall conform to the provisions of paragraphs (a) and (b) of this section.

(a) An aircraft shall be issued an airworthiness certificate in the restricted category and in any one or more of the other airworthiness categories prescribed by the regulations in this subchapter, if the applicant shows compliance with the requirements for each category when the aircraft is in the configuration for that category and if the aircraft can be converted from one category to another by removal or addition of equipment by simple mechanical means.

(b) Any aircraft certificated in the restricted and any other category shall be inspected and approved by an authorized representative of the Administrator, or by a certificated mechanic with an appropriate airframe rating, to determine airworthiness each time the aircraft is converted from the restricted category to another category for the carriage of passengers for compensation or hire, unless the Administrator finds this unnecessary for safety in a particular case.

§ 1.71 *Airworthiness certificate for limited category aircraft.* Airworthiness certificates in the limited category are issued for surplus military aircraft type certificated under Part 9 of this subchapter. Aircraft in the limited category may not be used for the carriage of persons or property for compensation or hire.

§ 1.72 *Airworthiness certificate for limited category aircraft; requirements for reissuance.* An applicant for an airworthiness certificate for an aircraft in the limited category shall show that the aircraft has been previously type certificated in the limited category, and that the aircraft complies fully with the requirements of Part 9 of this subchapter.

§ 1.73 *Experimental certificates.* Experimental certificates are issued for amateur-built aircraft and for aircraft which are to be used for experiment, for exhibition, for air racing, and to show compliance with the regulations in this subchapter for the issuance of type certificates and related purposes.

§ 1.74 *Experimental certificates; requirements for issuance.* The requirements for the issuance of experimental certificates are as stated in paragraphs (a) and (b) of this section.

(a) In applying for an experimental certificate the applicant shall submit:

(1) A statement upon a form and in a manner prescribed by the Administrator setting forth the purpose for which the aircraft is to be used,

(2) Sufficient data, such as photographs, to identify the aircraft, and

(3) Upon inspection of the aircraft, any pertinent information found necessary by the Administrator to safeguard the general public.

(b) The Administrator shall prescribe appropriate operating restrictions for the use of experimental aircraft. Such restrictions shall include the prohibition of carrying persons or property for compensation or hire.

§ 1.75 *Special flight permits.* A special flight permit may be issued for an aircraft which may not currently meet applicable airworthiness requirements, but which is capable of safe flight, for the purpose of permitting the aircraft to be flown to a base where repairs or alterations are to be made, or to permit the delivery or export of the aircraft, or to permit production flight tests of new production aircraft.

§ 1.76 *Special flight permits; requirements for issuance.* The requirements for the issuance of special flight permits are as stated in paragraphs (a) and (b) of this section.

(a) Where found necessary by the Administrator, an applicant for a special flight permit shall submit a statement in a form approved by the Administrator indicating the purpose of the flight, the proposed itinerary, the duration of authorization requested, the persons to be on board the aircraft, the particulars, if any, in which the aircraft does not comply fully with the applicable airworthiness requirements, and the restrictions, if any, deemed necessary for safe operation of the aircraft.

(b) The Administrator shall accomplish, or shall require the applicant to accomplish, such appropriate inspections or tests as the Administrator may deem necessary in the interest of safety.

(c) Nothing in paragraphs (a) and (b) of this section shall prevent the is-

suance to an air carrier by the Administrator of a general authorization to conduct ferry flights for specified purposes as provided in those paragraphs, under such terms and conditions as may from time to time be prescribed by the Administrator.

AIRCRAFT NATIONALITY AND REGISTRATION MARKS

§ 1.100 *General.* The identification of each aircraft shall be marked, and the markings shall be displayed as required in §§ 1.101 through 1.107. No design, mark, or symbol which modifies or confuses the identification marks shall be placed on an aircraft, except with the approval of the Administrator.

§ 1.101 *Display of identification marks.* Identification marks shall be displayed in accordance with the provisions in paragraphs (a) and (b) of this section.

(a) Aircraft registered for the first time after December 31, 1948, shall display identification marks consisting of the Roman capital letter "N" denoting United States registration, followed by the registration number. Other aircraft which display identification marks containing an airworthiness symbol "C" "R" "X" or "L" and which are operated solely within the United States may display such identification marks until the first time such aircraft are recovered or refinished to an extent necessitating the reapplication of the identification mark. Thereafter, such aircraft, and after December 31, 1950, all aircraft of United States registry operated outside of the United States, shall display identification marks consisting of the Roman capital letter "N" denoting United States registration, followed by the registration number.

(b) When an identification mark including only the Roman capital letter "N" and the registration number is utilized, limited and restricted category aircraft and experimental aircraft shall display the words "limited," "restricted," or "experimental," respectively, near each entrance to the cabin or cockpit of the aircraft. These markings shall be in letters not less than 2 inches nor more than 6 inches in height.

§ 1.102 *Location of identification marks.* Identification marks shall be located in accordance with paragraphs (a) through (e) of this section.

(a) *Fixed-wing aircraft.* The requirements of subparagraphs (1) through (3) of this paragraph shall be applicable to fixed-wing aircraft.

(1) *Wing surfaces.* Identification marks shall be displayed on the right half of the upper surface and the left half of the lower surface of the wing structure. As far as possible, the marks shall be located an equal distance from the leading and trailing edges of the wing. The top of the marks shall be toward the leading edge of the wing.

(2) *Vertical tail surfaces.* Identification marks shall be displayed on the upper half of the vertical tail surface. They shall be displayed on both sides of a single tail surface and on the outer sides of multitail surfaces. They may be placed either horizontally or vertically.

(3) *Fuselage surfaces.* Identification marks shall be displayed on the fuselage when the aircraft does not have a vertical tail surface. The marks shall be located on each side of the top half of the fuselage, just forward of the leading edge of the horizontal tail surface. They may be placed either horizontally or vertically.

(b) *Rotorcraft.* The requirements of subparagraphs (1) and (2) of this paragraph shall be applicable to rotorcraft.

(1) *Bottom fuselage surfaces.* Identification marks shall be displayed on the bottom surface of the fuselage or cabin. The top of the marks shall be toward the left side of the fuselage.

(2) *Side fuselage surfaces.* Identification marks shall be displayed below the window lines and as near the cockpit as possible.

(c) *Airships.* The requirements of subparagraphs (1) and (2) of this paragraph shall be applicable to airships.

(1) *Horizontal stabilizer surfaces.* Identification marks shall be displayed on the upper surface of the right horizontal stabilizer and on the under surface of the left horizontal stabilizer. The top of the marks shall be toward the leading edge of the stabilizer. The marks shall be placed horizontally.

(2) *Vertical stabilizer surfaces.* Identification marks shall be displayed on each side of the bottom half of the vertical stabilizer. The marks shall be placed horizontally.

(d) *Spherical balloons.* Identification marks for spherical balloons shall be displayed on two places diametrically opposite, and shall be located near the maximum horizontal circumference of the balloon.

(e) *Nonspherical balloons.* Identification marks for nonspherical balloons shall be displayed on each side. They shall be located near the maximum cross section of the balloon, immediately above either the rigging band or the points of attachment of the basket or cabin suspension cables.

§ 1.103 *Measurements of identification marks.* The measurements of identification marks shall conform to the provisions of paragraphs (a) through (d) of this section.

(a) *Fixed-wing aircraft.* The requirements of subparagraphs (1) and (2) of this paragraph shall be applicable to fixed-wing aircraft.

(1) *Wing surfaces.* The height of the identification marks on the wings shall be at least 20 inches.

(2) *Fuselage and vertical tail surfaces.* Identification marks shall be such as to leave at least a margin of 2 inches along each edge of the surface. Within these stipulations, the marks shall be as large as practicable, except that this rule shall not be interpreted as requiring the use of marks exceeding 6 inches in height or permitting the use of marks smaller than 2 inches in height. The letters and numbers of each separate group of identification marks shall be of equal height.

(b) *Rotorcraft.* The requirements of subparagraphs (1) and (2) of this paragraph shall be applicable to rotorcraft.

(1) *Fuselage or cabin bottom surfaces.* Identification marks shall be at least $\frac{1}{5}$ as high as the fuselage is wide, but need not be more than 20 inches high.

(2) *Fuselage or cabin side surfaces.* Identification marks shall conform to requirements stipulated in subparagraph (a) (2) of this section.

(c) *Lighter-than-air aircraft.* The requirements of subparagraph (1) of this paragraph shall be applicable to lighter-than-air aircraft.

(1) On each airship, spherical balloon, or nonspherical balloon identification marks shall be at least 20 inches high.

(d) *All aircraft.* The requirements of subparagraphs (1) through (3) of this paragraph shall be applicable to all aircraft.

(1) *Width.* Identification marks shall be $\frac{2}{3}$ as wide as they are high with the exception of number "1" which shall be $\frac{1}{6}$ as wide as it is high.

(2) *Thickness.* Identification marks shall be formed by solid lines of a thickness equal to $\frac{1}{6}$ of the character height.

(3) *Spacing.* The space between the identification numbers and letters shall be not less than $\frac{1}{4}$ of the character width.

§ 1.104 *Color.* On each aircraft, identification marks shall contrast in color with the background.

§ 1.105 *Affixation.* On each aircraft, identification marks shall be painted or shall be affixed by such other means as will insure a similar degree of permanence and legibility, except that aircraft intended for immediate delivery to a foreign purchaser may display identification marks affixed with readily removable material.

§ 1.106 *Design.* On each aircraft, identification marks shall have no ornamentation.

§ 1.107 *Maintenance.* On each aircraft, identification marks shall be kept clean and legible at all times.

§ 1.108 *Identification marks for nonconventional aircraft.* The identification marking rules prescribed in §§ 1.101 through 1.107 are intended to apply to conventional aircraft as they are known today. When aircraft are developed which do not conform to the general configuration of present-day aircraft, a procedure for identification marking shall be prescribed by the Administrator.

§ 1.109 *Identification marks for export aircraft.* An aircraft manufactured in the United States for delivery outside the United States or its possessions may display such identification marks as are required by the State of registry of the aircraft. Such aircraft shall be operated only for the purpose of test and demonstration flights for a limited period of time or while in necessary transit to the purchaser.

§ 1.110 *Removal of aircraft identification marks.* When an aircraft of United States registry is sold to a citizen of a foreign country, the United States identification marks must be removed from such aircraft by the United States registered owner or his agent prior to its delivery to the purchaser.

[F. R. Doc. 55-8379; Filed, Oct. 13, 1955; 8:52 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt 164]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required

Part 609 is amended as follows:

NOTE: Where the general classification (LFR VAR ADF ILS GCA or VOR) location and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one as of the effective date given to the extent that it differs from the existing procedure; where a procedure is canceled the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended

1 The low frequency range procedures prescribed in § 609 6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport Initial approaches shall be made over specified routes Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below

City and State; airport name, elevation; facility: class and identification; procedure No; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified or if landing not accomplished
							Condition	Type aircraft: 75 m. p. h or less	Type aircraft: More than 75 m p h	
1	2	3	4	5	6	7	8	9	10	11
CROSS CITY, FLA Cross City, 42'. SBRAZ-CTY. Procedure No. 1 Amendment 6 Effective date: November 5, 1955. Supersedes Amendment 5 dated July 2, 1955. Major changes: reduce alternate minima	Cross City VOR	264—1 0	1 200	E side of SE course: 135° outbound 315° inbound. 1 200' within 10 miles	700	315—2 7	2 engines or less T-dn C-dn S-dn 31 More than 2 engines T-dn C-dn S-dn 31 All aircraft A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 200-½ 500-1½ 400-1 800-2	Within 2.7 miles climb to 1,300' on NW course (315°) within 25 miles
DAYTONA BEACH, FLA Daytona Beach, 34'. SBMLZ-DTV DAB Procedure No. 1 Amendment 7. Effective date: November 5, 1955 Supersedes Amendment 6 dated July 9, 1955. Major changes: Raise transition altitude	Daytona Beach VOR	042—4. 5	1 200	S side of W course: 281° outbound 101° inbound 1 300' within 10 miles	600	101—2. 1	2 engines or less T-dn C-dn S-dn 10 A-dn More than 2 engines T-dn C-dn S-dn 10 A-dn	300-1 400-1 400-1 800-2 	300-1 500-1 400-1 800-2 200-½ 500-1½ 400-1 800-2	Within 2 1 miles climb to 1 400' on E course within 15 miles
SHREVEPORT, LA Downtown, 179'. SBRAZ-DTV SHV Procedure No. 1 Amendment 7. Effective date: November 5, 1955. Supersedes Amendment 6 dated October 9, 1954. Major changes: Increase procedure turn altitude. Increase circling ceiling minima for aircraft less than 75 miles per hour stall. Add notes	Shreveport VOR Dixie MHW (final)	159—14. 0 146—10 0	1,700 1 100	E side of NW course: 326° outbound 146° inbound. 1,900' within 10 miles. Beyond 10 miles not authorized.	1 200	152—1. 8	2 engines or less T-dn C-d C-n A-dn More than 2 engines T-dn C-dn A-dn	300-1 600-1 600-1½ NA ------ -- --- -- ---- --	300-1 600-1 600-1½ NA 300-1 600-1½ NA	Within 1.8 miles climb to 1,500' on S course (172°) within 25 miles *Turn nonstandard due ATC. No weather or communications available at this airport. CAUTION: 480' mean sea level TV tower located 1 6 miles S of airport. 1,446 mean sea level and 1 403' TV antennas located approximately 12 miles WNW of SHV LFR. AIR CARRIER NOTE: Air carrier use not authorized.

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h or less	Type aircraft: More than 75 m p h	If visual contact not established at authorized landing minimums after passing facility within distance specified or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
SHREVEPORT, LA. Greater Shreveport, 251' SBRAZ-DTV SHV Procedure No. 1 Amendment 4. Effective date: November 5, 1955. Supersedes Amendment 3, dated November 10, 1954. Major changes: Increase procedure turn altitude	Shreveport VOR	159—14 0	1,700	E side of NW course:* 326° outbound 146° inbound. 1,000' within 10 miles Beyond 10 miles not authorized	1,200	100—9 0	2 engines or less T-dn C-d C-n A-dn	300-1 600-1 600-2 800-2	300-1 600-1 600-2 800-2	Within 9 miles turn left, climb to 1,400 on course of 135°, intercept and proceed south on S course (172°) of SHV LFR within 25 miles or when directed by ATC climb to 1,600' intercept and proceed SW on SW course (233°) of BAD LFR within 25 miles. *Turn nonstandard due ATC. CAUTION: 1,446' and 1,403' TV antennas located approximately 12 miles WNW of SHV LFR
	Dixie MHW (final)	140—10 0	1 100				More than 2 engines T-dn C-d C-n A-dn		200-½ 600-1½ 600-2 800-2	

2 The automatic direction finding procedures prescribed in § 609 8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below

City and State; airport name, elevation; facility: class and identification; procedure No; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft)	Course and distance, facility to air port	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h or less	Type aircraft: More than 75 m. p h	If visual contact not established at authorized landing minimums after passing facility within distance specified or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
SAGINAW, MICH. Tri-City, 667'. BMH-TV-MBS Procedure No. 2. Effective date: November 5, 1955. Amendment No.: original Supersedes: None. Major changes: None	-- --- -- -- --		---	S side of course: 275° outbound. 095° inbound. 1,900' within 10 miles.	1,000	At airport	2 engines or less T-dn C-dn A-dn	600-1 600-1 800-2	300 1 600-1 800-2	Within 0 mile climb to 2,000' on course of 095° within 25 miles of radiobeacon. CAUTION: 1,109' mean sea level tower 13 miles 116° from radiobeacon. 949' mean sea level tower 3.5 miles 170° from airport. 760' mean sea level elevator 2 5 miles W of airport.
							More than 2 engines T-dn C-dn A-dn	--	200-½ 600-1½ 800-2	
SAGINAW, MICH Tri-City, 667'. BMH-TV-MBS Procedure No. 3 Amendment No.: Original. Effective date: November 5, 1955. Supersedes: None. Major changes: None.	--	--	--	S side of course: 250° outbound. 070° inbound. 1,000° within 10 miles.	1,400	At airport	2 engines or less T-dn C-dn A-dn	600-1 700-1 800-2	600-1 700-1 800-2	Within 0 mile climb to 2,000' on course of 070° within 25 miles of radiobeacon. CAUTION: 949' mean sea level tower 3 5 miles 170° from airport. 760' mean sea level elevator 2 5 miles W of airport.
							More than 2 engines T-dn C-dn A-dn		200-½ 700-1½ 800-2	

3 The very high frequency omnirange procedures prescribed in § 609 9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport Initial approaches shall be made over specified routes Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below

City and State; airport name, elevation; facility; class and identification; procedure No ; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified or if landing not accomplished
							Condition	Type aircraft		
								75 m. p. h or less	More than 75 m p h	
1	2	3	4	5	6	7	8	9	10	11
LANSING, MICH Capital City, 858' BVOR LAN. Procedure No. 2. Combination LFR-VOR. Amendment No.: Original. Effective date: November 5, 1955. Supersedes: None. Major changes: None	Lansing LFR	247—9 0	2 200	N side of course: 054° outbound 234 inbound 1 900' within 10 miles	1 400 over intersection *	*Intersection to airport 2 3 4 — 2 2 miles	2 engines or less			Within 2 2 miles, climb to 2 200' proceed to Lansing VOR. *Intersection: Intersection LAN VOR 054 radial and NW course LAN LFR. **NOTE: 300-1 required on SE-NW runway
							T-dn	300-1	300-1	
							C-dn	500-1	500-1	
							S-dn 24	500-1	500-1	
							A-dn	800-2	800-2	
							More than 2 engines			
							T-dn		**200-½	
							C-dn		500-1½	
							S-dn 24		500-1	
							A-dn		800-2	

4 The instrument landing system procedures prescribed in § 609 11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings headings, and courses are magnetic Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport Initial approaches shall be made over specified routes Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No ; effective date	Transition to ILS				Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept ion inbound (ft)	Altitude of glide slope and distance to approach end of runway at—		Ceiling and visibility minimums			If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
	From—	To—	Course and distance	Minimum altitudes (ft)			Outer marker	Middle marker	Condition	Type aircraft		
										75 m p h or less	More than 75 m p h	
1	2	3	4	5	6	7	8	9	10	11	12	13
WINSTON SALEM, N C. Smith Reynolds 969' ILS-IINT LOM-IN. Combination ILS and ADF. Procedure No. 1 Amendment 4. Effective date: November 5, 1955. Supersedes Amendment 3, dated August 13, 1954 Major changes: Revises missed approach	Winston Salem LFR	LOM	328—0 5	2,200	W side SE course: 148° outbound 328 inbound 2 200' within 10 miles. Beyond 10 miles not authorized	ILS 2,200 ADF 1 700 over LOM	2,200—4.5	1 120—0 6	2 engines or less			4 6 miles after passing LOM (ADF) climb to 4 000' on NW course LFR or 299° radial GSO VOR within 15 miles. When directed by ATC turn right immediately climb to 2,200' on SE course ILS or 14S course LOM within 10 miles. CAUTION: Immediate right turn necessary to avoid Greensboro traffic. *200-½ authorized in accordance with CAM 40 406 2 (c) (6) (i) note 7
	Wallburg Intersection	LOM	328—6.0	2,200					T-dn	300-1	300-1	
	Greensboro VOR	OM	282—11 0	2,300					C-dn	500-1	500-1	
	Thomas Intersection	LOM	328—12.0	2,200					S-dn 33 *ILS	300-¾	300-¾	
	Greensboro LFR	LOM	263—15.0	2,300					ADF	400-1	400-1	
									More than 2 engines			
									T-dn		200-½	
									C dn		500-1½	
									S-dn 33 *ILS		300-¾	
									ADF	--	400-1	
									All aircraft			
									ILS	600-2		
									ADF	800-2		

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] F B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 55-8145; Filed, Oct. 13, 1955; 8:45 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

PART 103—FINANCE AND ACCOUNTING

TARIFF OF UNITED STATES FOREIGN SERVICE FEES

CROSS REFERENCE: For amendment of § 103.1, see E. O. 10639, *supra*.

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Federal Home Loan Bank Board

Subchapter B—Federal Home Loan Bank System

[No. 8394]

PART 122—ORGANIZATION OF THE BANKS

ELECTION OF DIRECTORS OF FEDERAL HOME LOAN BANKS

OCTOBER 10, 1955.

Whereas pursuant to due notice thereof given in the March 4, 1954, issue of the FEDERAL REGISTER (19 F. R. 1221), a hearing was held on April 5, 1954, upon a proposal to amend the regulations for the Federal Home Loan Bank System with respect to adjustments in the State representation for directors of the Federal Home Loan Banks and, subsequently, section 7 (a) of the Federal Home Loan Bank Act was amended by the Housing Amendments of 1955, approved August 11, 1955 (69 Stat. 640), with regard to such State representation;

Resolved that §§ 122.20, 122.21, 122.22, 122.23, 122.24, 122.32, 122.39, 122.44 and 122.45 of the regulations for the Federal Home Loan Bank System (24 CFR §§ 122.20–122.45) are hereby amended, effective October 14, 1955, to read as follows:

§ 122.20 *Appointment.* Four directors of each Bank will be appointed by the Federal Home Loan Bank Board (hereinafter referred to as the "Board")

§ 122.21 *Election.* Not less than eight nor more than eleven directors of each Bank will be elected in accordance with the provisions of §§ 122.21 to 122.45.

§ 122.22 *Voting qualifications.* As provided in section 7 of the act, the elective directors of each Bank shall be elected by the members thereof, provided such members hold at least $1,000,000 of the capital stock of the Bank at the time nominations are required. Members shall be deemed to hold $1,000,000 of the capital stock of a Bank when they have subscribed to a total of $1,000,000 par value of such stock, made the statutory payments thereon, such subscriptions have been accepted and the subscribers have been notified.

§ 122.23 *Class directors.* Two of the elective directors shall be known as Class A directors, two as Class B and two as Class C, and shall hold office for terms of two years: *Provided,* That, in the case of the Federal Home Loan Bank of San Francisco, there shall be three elective directors in each of the aforesaid classes. Each of these directors shall be a citizen of the United States, a bona fide resident of the district in which the Bank is located; shall be an officer or director of a member of the Bank in the group electing him and shall be deemed to be from the State in which such member is located.

§ 122.24 *Directors-at-large.* Two of the elective directors shall be known as directors-at-large, shall be elected by the membership-at-large, without regard to classes, and shall hold office for terms of two years. Each of these directors shall be a citizen of the United States, a bona fide resident of the Bank district and if affiliated, as an officer or director, with a member of the Bank, shall be deemed to be from the State in which such member is located. Each of these directors who is not affiliated, as an officer or director, with a member of the Bank, shall be deemed to be from the State in which he has established a bona fide residence.

§ 122.32 *State representation.* In determining the results of balloting by the members, the Board will, subject to the provisions of §§ 122.23, 122.33 and 122.34, see that each State is represented on the new board of directors by at least the number of elective directors set forth below: *Provided,* There has been an eligible candidate from such State who has been voted for:

Federal Home Loan Bank of—	*Directors per State*
Boston	1
New York	3
Pittsburgh	1
Greensboro	1
Cincinnati	2
Indianapolis	3
Chicago	3
Des Moines	1
Little Rock	1
Topeka	1
San Francisco:	
California	3
Each other State	1

And provided further That in the case of the Federal Home Loan Bank of San Francisco, there shall not be more than three elective directors from any of the States.

§ 122.39 *Tie vote.* In the event the voting for those whose names appear on a final election ballot results in a tie, the Board will determine which of the leading candidates shall be declared elected.

§ 122.44 *Directorship vacancy.* In the event of a vacancy in any elective directorship the Board will, if it considers it feasible to do so, fill such vacancy by an appointment for a period to expire at the end of the calendar year in which the vacancy occurs and, at the next regular election, a director shall be elected to hold office for the unexpired portion of the term, if any. The Board will also determine any other matters concerning the election and appointment of directors which are not provided for in §§ 122.21 to 122.45.

§ 122.45 *Definition of "State".* As used with respect to the election of directors for the Federal Home Loan Banks, the term "State" means any one of the 48 States or the District of Columbia.

Whereas the foregoing amendments are in conformity with the said amendment of August 11, 1955, to section 7 (a) of the Federal Home Loan Bank Act, and take cognizance of the record of the hearing held pursuant to the aforementioned notice;

Resolved that it is hereby determined that further notice and public procedure on the foregoing amendments are unnecessary and that deferment of the effective date is not required under the provisions of section 4 of the Administrative Procedure Act or Part 108 of the general regulations of the Federal Home Loan Bank Board (24 CFR Part 108) as such deferment would delay the filling of vacancies in the directorate of the Federal Home Loan Bank of San Francisco and serve no useful purpose.

(Sec. 17, 47 Stat. 736; 12 U. S. C. 1437. Interpret or apply sec. 7, 47 Stat. 730, as amended; 12 U. S. C. 1427)

By the Federal Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 55-8363; Filed, Oct. 13, 1955; 8:48 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter H—Internal Revenue Practice

PART 601—STATEMENT OF PROCEDURAL RULES

DISTILLED SPIRITS, WINE, BEER, AND CERTAIN FIREARMS

This part, as filed with the FEDERAL REGISTER on June 29, 1955, is amended in the following respects:

PARAGRAPH 1. Section 601.101 (b), *Scope,* of Subpart A, General Procedural Rules, is amended as follows:

(A) By deleting the first two sentences and inserting in lieu thereof the following: "This part sets forth the procedural rules of the Internal Revenue Service respecting all taxes administered by the Service, and supersedes the previously published statement (26 CFR (1939) Parts 600 and 601) with respect to such procedural rules."

(B) By inserting after the seventh sentence, which ends with "contained in Subpart F", the following new sentence: "The procedural rules of the Service with respect to distilled spirits, wine, beer, tobacco, and certain firearms are described in Subpart C of this part."

PAR. 2. Subpart C, including the heading thereof, is amended to read as follows:

SUBPART C—PROVISIONS RELATING TO DISTILLED SPIRITS, WINE, BEER, TOBACCO, AND CERTAIN FIREARMS

DISTILLED SPIRITS, WINE, AND BEER

TOBACCO PRODUCTS, TOBACCO MATERIALS, AND CIGARETTE PAPERS AND TUBES

FIREARMS

AUTHORITY: §§ 601.301 to 601.322 issued under R. S. 161; 5 U. S. C. 220.

§ 601.301 *Imposition of taxes, qualification requirements, and regulations—*(a) *Imposition of taxes.* Subchapter A, of chapter 51 of the Internal Revenue Code of 1954 imposes taxes on distilled spirits (including alcohol), wine, and beer. Except as specifically provided, additional taxes are imposed when distilled spirits and wine are rectified by blending, compounding, etc. Subchapter A of chapter 51 of the Code also imposes taxes on stills, and condensers used to produce spirits. Occupational taxes are imposed upon still manufacturers, brewers, rectifiers, dealers in liquors, and as a prerequisite for drawback under section 5134 of the Code, upon manufacturers of nonbeverage products.

(b) *Qualification requirements.* Distillers, winemakers, brewers, warehousemen, denaturers, rectifiers, bottlers, liquor bottle manufacturers, dealers in specially denatured alcohol, users and transporters of tax-free and specially denatured alcohol, and wholesalers and importers of liquors, are required to qualify with the Internal Revenue Service, usually by filing notice or application and bond with, and procuring permit from, the assistant regional commissioner (alcohol and tobacco tax) of the region in which operations are to be conducted. Detailed information respecting such qualification, including the forms to be used and the procedure to be followed, is contained in the respective regulations described in paragraph (c) of this section.

(c) *Regulations.* The procedural requirements with respect to matters relating to liquors which are within the jurisdiction of the Alcohol and Tobacco Tax Division are published in the regulations described in this paragraph. These regulations contain full information as to the general course and method by which the functions concerning liquors are channeled and determined, including the nature and requirements of formal and informal procedures, the forms and other documents required and the contents of applications, notices, registrations, permits, bonds, and other documents. Copies of prescribed forms may be obtained from the offices of assistant regional commissioners (alcohol and tobacco tax) excepting Forms 45, 52–A, 52–B, 52–C, 52–D, 52–E, 52–F 122, 230, 237, 338, 2051, and 2054–2060, and Records 133 and 134 which may be purchased from commercial printers who may procure specimen copies of the forms from such offices. The following is a brief description of the several regulations arranged according to the principal subjects and operations concerned:

(1) *Production and disposition of industrial alcohol.* Part 182 of this chapter contains the regulations relative to the production, disposition, and use of industrial alcohol, including denatured alcohol. The regulations cover the establishment and operation of industrial alcohol plants, bonded warehouses, and denaturing plants, the production, taxpayment, transfer, exportation, and denaturation of alcohol, formulas for denaturation, the use of alcohol free of tax, the sale and use of denatured alcohol, the transportation of tax-free and specially denatured alcohol, the packaging, labeling, and sale of articles containing denatured alcohol, and the bringing into this country of alcohol and articles containing alcohol. The regulations also cover the issuance of permits covering the production of alcohol and denatured alcohol, the sale of specially denatured alcohol, and the transportation and use of tax-free and specially denatured alcohol.

(2) *Production and removal of distilled spirits.* Part 220 of this chapter, contains the regulations relative to the production of distilled spirits and the removal thereof from a registered distillery. The regulations cover the location, construction and equipment of the distillery; action by the assistant regional commissioner (alcohol and tobacco tax) in connection with the establishment and operation of the distillery; control and supervision of the distillery; production and removal of distilled spirits; and concern the sale, shipment, losses, records and reports, of distilled spirits. The term "distilled spirits" includes whisky, brandy, rum, gin and spirits, but excludes alcohol. (The production of rectified products, such as blended whisky, liqueurs and cordials, is governed by Part 235 of this chapter.)

(3) *Production and removal of brandy.* Part 221 of this chapter contains the regulations relative to the production of brandy and the removal thereof from a fruit distillery under the exemptions from certain provisions of law as provided in such regulations pursuant to section 5215 of the Code. The regulations cover the location, construction and equipment of the distillery; action by the assistant regional commissioner (alcohol and tobacco tax) in connection with the establishment and operation of the distillery; control and supervision of the distillery; production and removal of brandy; and concern the sale, shipment, losses, records and reports, of brandy.

(4) *Warehousing and bottling in bond of distilled spirits.* Part 225 of this chapter contains the regulations relative to the warehousing of distilled spirits (other than alcohol) and the bottling in bond, taxpayment and withdrawal thereof from internal revenue bonded warehouses. The regulations cover the location, construction and equipment of the warehouse; action by the assistant regional commissioner (alcohol and tobacco tax) in connection with the establishment and operation of the warehouse; control, custody, and supervision of the warehouse; deposit of spirits in the warehouse; losses of spirits in the warehouse or in transit thereto; withdrawal of distilled spirits from the warehouse for taxpaid or tax-free purposes; bottling of spirits in bond; alternate operations of bottling-in-bond department as taxpaid bottling house; transfers in bond between internal revenue bonded warehouses; exportation and shipment of distilled spirits; and records and reports of distilled spirits deposited, stored, bottled in bond, and withdrawn from internal revenue bonded warehouses.

(5) *Bottling of taxpaid distilled spirits.* Part 230 of this chapter contains the regulations relative to the bottling of taxpaid distilled spirits. The regulations cover the location, construction and equipment of the bottling house; alternate operations of the taxpaid bottling house as a bottling-in-bond department of an internal revenue bonded warehouse; the bottling of distilled spirits under trade names; action by the assistant regional commissioner (alcohol and tobacco tax) in connection with the establishment and operation of the bottling house; the operation and supervision of the taxpaid bottling house; the transfer of spirits to the taxpaid bottling house; the dumping, bottling, rebottling, labeling, relabeling, stamping, and restamping of bottled spirits; the removal of spirits from the taxpaid bottling house for exportation and shipment; and records and reports of spirits bottled at the taxpaid bottling house.

(6) *Rectification of distilled spirits and wines.* Part 235 of this chapter contains the regulations relative to the rectification of spirits and wines. The regulations cover the location, construction and equipment of the rectifying plant; action by the assistant regional commissioner (alcohol and tobacco tax) in connection with the establishment

and operation of the rectifying plant; the operation and supervision of the rectfying plant; the receipt, dumping, rectification, bottling, rebottling, packaging, stamping, restamping, labeling, and relabeling of spirits; the removal of spirits from the rectifying plant; special taxes; and records and reports of operations at rectifying plants.

(7) *Gauging of alcohol and distilled spirits.* Part 186 of this chapter, contains the regulations for measuring alcohol at industrial alcohol plants, bonded warehouses and denaturing plants and distilled spirits at registered distilleries, fruit distilleries, internal revenue bonded warehouses, rectifying plants and taxpaid distilled spirits bottling houses.

(8) *Manufacture and use of containers for distilled spirits.* Part 175 of this chapter, contains the regulations relative to the traffic in containers of distilled spirits. The regulations cover the manufacture and sale of bottles for packaging distilled spirits; use of bottles for packaging distilled spirits; reports and inventories of liquor bottles; imports and exports of liquor bottles; labeling of distilled spirits; permits and revocation proceedings; and the purchase, sale and possession of used containers.

(9) *Labeling and advertising of distilled spirits.* Regulations No. 5 (27 CFR Part 5) issued under the Federal Alcohol Administration Act, as amended, contain the requirements relative to the labeling and advertising of distilled spirits, including standards of identity for distilled spirits, standards of fill for bottled distilled spirits, and the issuance of certificates of label approval and certificates of exemption from label approval.

(10) *Denaturation of rum.* Part 216 of this chapter contains the regulations relative to the denaturation of rum and its withdrawal from the distillery denaturing bonded warehouse. The regulations cover the location, construction and equipment of the distillery denaturing bonded warehouse; action by the assistant regional commissioner (alcohol and tobacco tax) in connection with the establishment and operation of the warehouse; the control, custody, and supervision of the warehouse; transfer of rum to the warehouse; the denaturation of rum; the disposition of denatured rum; and the use, exportation, shipment, losses, records and reports, of rum and denatured rum.

(11) *Production and removal of beer* Part 245 of this chapter contains the regulations relative to the production, taxpayment, and withdrawal from breweries of beer and cereal beverages. The regulations cover the location and use of breweries, brewery construction, equipment and meters; action by the assistant regional commissioner (alcohol and tobacco tax) in connection with the establishment and operation of the brewery· special taxes; tax on beer; marks, and brands; exportation, free of tax, of beer; use of beer as supplies on vessels and aircraft; and the maintenance of records and filing of reports in connection with the foregoing operations and conditions.

(12) *Labeling and advertising of malt beverages.* Regulations No. 7 (27 CFR Part 7) issued under the Federal Alcohol Administration Act, as amended, contain the requirements relative to the labeling and advertising of malt beverages, including the withdrawal of imported malt beverages from customs custody and the issuance of certificates of label approval and release for imported malt beverages, and certificates of approval of labels for malt beverages domestically bottled or packed.

(13) *Production and removal of wine.* Part 240 of this chapter contains the regulations relative to the establishment and operation of bonded wine cellars, including bonded wineries, for the production, cellar treatment, and storage of wines, including amelioration, sweetening, addition of wine spirits, blending, and other cellar treatment; the taxpayment, exportation, and use of wine for distilling material and manufacture of vinegar.

(14) *Bottling of taxpaid wine.* Part 231 of this chapter contains the regulations relative to the bottling of taxpaid wine at premises other than rectifying plants and taxpaid distilled spirits bottling houses. The regulations cover the establishment and operation of taxpaid wine bottling houses for the bottling and packaging of taxpaid United States and foreign wines, including the bottling or packaging of wine under trade names.

(15) *Labeling and advertising of wine.* Regulations No. 4 (27 CFR Part 4) issued under the Federal Alcohol Administration Act, as amended, contain the requirements relative to the labeling and advertising of wine under the Federal Alcohol Administration Act, including standards of identity for wine, standards of fill for containers of wine, and the issuance of certificates of label approval and certificates of exemption from label approval.

(16) *Bulk sales and bottling of distilled spirits.* Regulations No. 3 (27 CFR Part 3), issued under the Federal Alcohol Administration Act, as amended, contain the requirements relative to bulk sales and bottling of distilled spirits under the Federal Alcohol Administration Act, including the terms of warehouse receipts for distilled spirits in bulk.

(17) *Wholesale and retail dealers in liquors.* Part 194, of this chapter, contains the regulations relative to the payment of occupaitonal taxes by liquor dealers, maintenance of records, destruction of marks on containers, and packaging of alcohol for industrial purposes.

(18) *Removals of alcoholic liquors, tobacco products and other articles of domestic manufacture to foreign-trade zones.* Part 253 of this chapter contains the regulations governing the removal to, and deposit in, foreign-trade zones, of liquor, flavoring extracts, medicinal or toilet preparations made with taxpaid alcohol, stills, and condensers, and tobacco and tobacco products, under the fourth proviso of section 3 of the Foreign-Trade Zones Act (48 Stat. 999; 19 U. S. C. 81c) as amended. The regulations also cover requirements governing the filing of applications, and the issuance of permits, for the removal of such articles to foreign-trade zones; the filing of bonds and consents of surety covering such removals; and the accounting for the deposit of articles in foreign-trade zones.

(19) *Importation of liquors.* Part 251 of this chapter contains the regulations relative to the importation of distilled spirits, wine, and beer into the United States, and includes requirements relative to special (occupational) and commodity taxes, permits, marking, branding, labeling, and stamping of containers and packages, and records and reports.

(20) *Liquors and articles from Puerto Rico and Virgin Islands.* Part 250 of this chapter, contains the regulations relative to the collection of internal revenue taxes on alcoholic products coming into the United States from Puerto Rico and the Virgin Islands, including procedure in those countries in connection with shipment of the products to the continental United States, the submission of formulas, and the stamping and marking of containers.

(21) *Drawback of tax on distilled spirits, wine and beer.* Part 252 of this chapter, contains the regulations relative to the allowance of drawback of internal revenue tax on (i) domestic alcohol used in the manufacture or production of flavoring extracts, and medicinal or toilet preparations (including perfumery), upon the exportation of such products, (ii) distilled spirits and wine bottled or packaged especially for export, upon the exportation thereof, (iii) distilled spirits exported in distillers' original packages containing not less than 20 wine gallons each, and (iv) beer brewed or produced in the United States, and exported

(22) *Drawback of tax on distilled spirits used in the manufacture of non-beverage products.* Part 197 of this chapter, contains the regulations relative to the allowance of drawback of internal revenue tax on taxpaid domestic distilled spirits used in the manufacture or production of medicine, medicinal preparations, food products, flavors, or flavoring extracts which are unfit for beverage purposes, including payment of occupational tax, maintenance of records, and filing of claims for drawback.

(23) *Nonindustrial use of distilled spirits and wine.* Regulations No. 2 (27 CFR Part 2) issued under the Federal Alcohol Administration Act, as amended, contain the requirements relative to the nonindustrial use of distilled spirits and wine under the Federal Alcohol Administration Act, including distilled spirits in containers of a capacity of one gallon or less.

(24) *Disposition of substances used in the manufacture of distilled spirits, and articles.* Part 173 of this chapter contains the regulations relative to the returns and records of the dispositions of substances or articles of the character used in the manufacture or recovery of distilled spirits.

(25) *Production of vinegar by the vaporizing process.* Part 195 of this chapter contains the regulations relative to the production of vinegar by the vaporizing process (fermentation and distillation of alcoholic liquid), including

the location, use, construction, equipment, process used, and records of vinegar plants using such process.

(26) *Production of volatile fruit-flavor concentrates.* Part 198 of this chapter contains the regulations relative to the manufacture of volatile fruit-flavor concentrates; the storage, removal, sale, transportation, and use of such concentrates and the mash and juice from which produced; the alcoholic content thereof; and the addition of substances that will render the concentrates unfit for use as beverages. The regulations cover the location, use and qualification of concentrate plants; their construction and equipment; action by the assistant regional commissioner (alcohol and tobacco tax) in connection with the establishment and operation of concentrate plants; and the recording and reporting of the receipt, use, removal and disposal of concentrates and the mash and juice from which produced.

(27) *Stills and distilling apparatus.* Part 196 of this chapter contains the regulations relative to the manufacture, taxpayment, removal, use, and registration of stills and worms or condensers, and the exportation of stills with benefit of drawback of internal revenue tax and the exportation free of tax of distilling apparatus not intended for use in distilling spirits.

(28) *Basic permit requirements under the Federal Alcohol Administration Act.* Regulations No. 1 (27 CFR Part 1) contain the requirements relative to the procurement of basic permits by importers, producers, rectifiers, blenders, bottlers, warehousemen; and wholesalers of distilled spirits, wine, or malt beverages.

(29) *Rules of practice in permit proceedings.* Part 200 of this chapter contains the regulations for the issuance of citations covering the contemplated disapproval of initial or renewal applications and for orders to show cause why basic permits should not be suspended, revoked or annulled. The procedures set forth therein apply to all permit proceedings under the Federal Alcohol Administration Act (27 U. S. C. 201) and chapters 51 and 52 of the Internal Revenue Code of 1954. Such rules also govern, insofar as applicable, any adversary proceeding involving adjudication required by statute to be determined on the record, after opportunity for hearing, under laws administered by the Alcohol and Tobacco Tax Division.

(30) *Inducements furnished to retailers.* Regulations No. 6 (27 CFR Part 6) issued under the Federal Alcohol Administration Act, as amended, contain the requirements relative to the furnishing of equipment, fixtures, signs, supplies, money, services, or other things of value to retailers of distilled spirits, wine, and malt beverages, by other members of the liquor industry (principally vendors) including the furnishing of samples and advertising cuts.

(31) *Credit period to be extended to retailers of alcoholic beverages.* Regulations No. 8 (27 CFR Part 8) contain the requirements relative to the credit period which may be extended to retailers of alcoholic beverages under the Federal Alcohol Administration Act.

(32) *National emergency transfers of distilled spirits.* Treasury Decision 5864, which added Subpart G to 26 CFR (1939) Part 171, Miscellaneous Regulations Relating to Liquor, contains requirements, in addition to the applicable provisions of Regulations 3, 4, 5, and 10 (26 CFR (1939) Parts 182, 183, 184, 185) concerning national emergency transfers of distilled spirits, including removals, free of tax, for use of the United States, pursuant to section 3183 of the 1939 Internal Revenue Code, as made applicable to section 5217 of the 1954 Code by Treasury Decision 6091.

(33) *Remission or mitigation of forfeitures.* Treasury Decision 5535, which added Subpart E to 26 CFR (1939) Part 171, Miscellaneous Regulations Relating to Liquor, contains the regulations concerning remission or mitigation of forfeitures under section 3726 of the 1939 Internal Revenue Code, as made applicable to section 7327 of the 1954 Code by Treasury Decision 6091.

§ 601.302 *Taxes*—(a) *Collection.* Taxes on distilled spirits are paid principally by stamps purchased from the district director of internal revenue. In the case of distilled spirits taxpaid in bulk gauging tanks for removal in tank cars, tank trucks or by pipeline, there is the optional method of paying by purchase of a certificate of payment (Form 1595) or by use of distilled spirits excise tax stamps (series of 1950) issued in various denominations. Form 1595 is attached to the tank and later, in the case of removal by pipeline, canceled and surrendered to the appropriate internal revenue officer. In the case of removals in tank cars and tank trucks it is canceled and attached to the route board of such container for removal and scalping at the consignee premises. The distilled spirits excise tax stamps are canceled and surrendered in the exact amount to the appropriate internal revenue officer. In the case of removals in tank cars and tank trucks, a wholesale liquor dealer stamp is issued by the appropriate internal revenue officer for attachment to the route board of such container for removal and scalping at the consignee premises. Distilled spirits excise tax stamps are also used to taxpay distilled spirits bottled in bond and the cases are marked appropriately to indicate taxpayment. Taxes on wine are paid by return (Form 2050), filed with remittance with the district director of internal revenue. Taxes on beer are paid by return (Form 2034) filed with remittance with the district director of internal revenue. Special tax stamps are issued to denote the payment of occupational taxes by liquor dealers and others. Such stamps are required to be posted in the taxpayer's place of business as evidence of taxpayment. Detailed information respecting the payment of taxes on liquors and the payment of occupational taxes by still manufacturers, brewers, rectifiers, dealers in liquors, and manufacturers of nonbeverage products, including the forms to be used and the procedure to be followed, is contained in the respective regulations described in § 601.301.

(b) *Assessment.* If additional or delinquent tax liability is disclosed by an investigation, or by an examination of records, of a qualified plant or permittee, a notice (except where delay may jeopardize collection of the tax, or where the amount involved is nominal or the result of an evident mathematical error) is sent to the taxpayer advising him of the basis and amount of the liability and affording him an opportunity to submit a protest, with supporting facts, or to request a conference.

§ 601.303 *Claims*—(a) *Claims for remission.* When untaxpaid distilled spirits or wine have been lost or destroyed the assistant regional commissioner (alcohol and tobacco tax) may require the person responsible for the tax to file a claim for remission if such person desires to be relieved of the liability. Upon receipt of the claim, the assistant regional commissioner (alcohol and tobacco tax) makes a factual determination and notifies the claimant of the allowance or rejection of the claim. If the claim for remission of tax on distilled spirits is rejected, and the circumstances warrant, the assistant regional commissioner (alcohol and tobacco tax) may require that the spirits be immediately taxpaid upon the original quantity entered into the warehouse.

(b) *Claims for abatement.* When the tax on distilled spirits, wine or beer, or the rectification tax is assessed and the taxpayer thinks that the tax is not due under the law, he may file a claim for abatement of the tax on Form 843 with the district director of internal revenue. Forms 843 may be procured from a district director. The district director forwards the claim to the assistant regional commissioner (alcohol and tobacco tax) for consideration, and the district director may call upon the taxpayer to file a bond in double the amount of the tax in order to insure collection of the tax if the claim is rejected. When the claim is acted upon, both the taxpayer and the district director are notified of the allowance or rejection of the claim. If the claim is rejected, the district director will proceed to collect the tax.

(c) *Claims for refund.* The taxpayer may, after payment of the tax, file a claim for refund on Form 843 with the district director of internal revenue to whom the tax was paid. Such claim must be filed within three years (two years under certain circumstances) after the date of payment of the tax. The district director forwards the claim to the assistant regional commissioner (alcohol and tobacco tax) for consideration. If the claim is rejected, the taxpayer is notified of the rejection by registered mail, and he may then bring suit in the United States District Court or the Court of Claims for recovery of the tax. Such suits must be filed generally within two years from the date of mailing of the rejection notice. If the claim is allowed, an appropriate notice of allowance with a check for the amount of the refund and allowable interest is forwarded to the taxpayer, unless there are other unpaid taxes outstanding against the taxpayer, in which event delivery of the refund check to the

taxpayer is held in abeyance pending payment of the unpaid taxes.

§ 601.304 *Preparation and filing of claims*—(a) *Alcohol.* Claims for remission of tax on alcohol lost at industrial alcohol plants, bonded warehouses, and denaturing plants, and for losses of tax-free and specially denatured alcohol at denaturing plants and at dealers' and users' premises, must be prepared and filed in accordance with Part 182 of this chapter. The regulations in Part 182 of this chapter contain full information in respect to the procedure in the verification and examination of such claims.

(b) *Distilled spirits at distilleries.* Claims for remission of tax on distilled spirits lost at distilleries must be prepared and filed in accordance with Parts 220 and 221 of this chapter, which contain complete information respecting the procedure followed in verifying and examining such claims.

(c) *Distilled spirits at bonded warehouses.* Claims for losses of spirits at bonded warehouses and for losses of spirits withdrawn free of tax for exportation, etc., must be prepared and filed in accordance with Part 225 of this chapter. The regulations in Part 225 of this chapter contain full information relative to the investigation and consideration of such claims.

(d) *Rum.* Claims for losses of rum and specially denatured rum at distillery denaturing bonded warehouses and in transit after removal from the warehouse must be prepared and filed in accordance with Part 216 of this chapter, which set out the procedure followed in the handling and consideration of such claims.

(e) *Low wines at vinegar plants.* Claims for remission of tax on low wines (distilled spirits) lost at vinegar plants producing vinegar by the vaporizing process must be prepared and filed in accordance with Part 195 of this chapter, which regulations set forth the procedure followed in the handling of such claims.

(f) *Special taxes.* Claims for abatement or refund of occupational taxes and penalties erroneously assessed or collected, and claims for redemption of special tax stamps for occupational taxes, must be prepared and filed in accordance with Part 194 of this chapter. When claim for redemption of a special tax stamp is filed, the stamp (or a Certificate in Lieu of Lost or Destroyed Special Tax Stamp, accompanied by affidavits attesting to destruction of the stamp) must be surrendered with the claim and the claim must be submitted within three years from the date of payment of the tax.

(g) *Stills and distilling apparatus.* Claims for drawback of tax paid on stills or distilling apparatus manufactured for export and actually exported must be prepared and filed in accordance with Part 196 of this chapter, which regulations set forth the procedure to be followed and the forms to be used.

(h) *Drawback of tax on distilled spirits and wines.* Claims for drawback of taxes paid on (1) domestic alcohol used in the manufacture of flavoring extracts, medicinal or toilet preparations, which are exported, (2) distilled spirits and wines bottled or packaged especially for export and actually exported, (3) distilled spirits exported in distillers' original packages, and (4) beer exported, must be prepared and filed in accordance with Part 252 of this chapter. The regulations in Part 252 of this chapter contain full information in respect to the procedure to be followed, the forms to be used, the time within which the claims must be filed, and the supporting documents which must be submitted with the claim.

(i) *Drawback of tax on distilled spirits used in non-beverage products.* Claims for drawback of tax on domestic distilled spirits used in the manufacture or production of medicine, medicinal preparations, food products, flavors, or flavoring extracts, which are unfit for beverage purposes, must be prepared and filed in accordance with Part 197 of this chapter. Such claims must be filed within the three months next succeeding the quarter in which the spirits are used. Part 197 of this chapter contains full information respecting the preparation of such claims, the supporting documents to be filed therewith, and the verification of, and action on, the claims by the assistant regional commissioner (alcohol and tobacco tax).

§ 601.305 *Offers in compromise*—(a) *Liability under Internal Revenue Code.* Persons desiring to submit offers in compromise in order to avoid forfeiture or prosecution proceedings, and taxpayers who disclaim liability for the amount of taxes assessed, or claim inability to pay the taxes in full, may submit offers in compromise to the district director of internal revenue, or to an internal revenue officer. (For offers in compromise generally, see § 601.203.) Form 656 is used in all cases where the amount of the offer is tendered in full at the time the offer is filed. Form 656–C is used when the offer is payable in installments. Such offers are forwarded by the district director to the assistant regional commissioner (alcohol and tobacco tax) for consideration and transmittal to the Commissioner for appropriate action. When the offer is acted upon, the district director and the assistant regional commissioner (alcohol and tobacco tax) are notified of the acceptance or rejection of the offer, and the assistant regional commissioner (alcohol and tobacco tax) in turn notifies the proponent. If the offer is rejected, the sum submitted with the offer is returned to the proponent and forfeiture, prosecution, or collection proceedings are resumed. If the offer is accepted, the taxpayer is notified and the case is closed. Acceptance of an offer in compromise of civil liabilities does not remit criminal liabilities, nor does acceptance of an offer in compromise of criminal liabilities remit civil liabilities.

(b) *Violations of Federal Alcohol Administration Act.* The Federal Alcohol Administration Act provides penalties for violations of its provisions. The Director of the Alcohol and Tobacco Tax Division in the National Office is authorized to compromise such liabilities. Persons desiring to submit offers in compromise of such liabilities, in order to avoid prosecution proceedings, may submit offers in compromise on Form 656–D to the assistant regional commissioner (alcohol and tobacco tax) or one of his inspectors. Such offers are considered by such assistant regional commissioner and are forwarded to the Director of the Alcohol and Tobacco Tax Division for final action. When the offer is acted upon, the proponent and the assistant regional commissioner (alcohol and tobacco tax) are notified of the acceptance or rejection of the offer. If the offer is rejected, the sum submitted with the offer in compromise is returned to the proponent. If the offer is accepted, the proponent is notified and the case is closed.

§ 601.306 *Application for approval of interlocking directors and officers under section 8 of the Federal Alcohol Administration Act.* Any person who is an officer or director of a corporation now engaged in business as a distiller, rectifier or blender of distilled spirits, or of an affiliate thereof, who desires to take office in other companies similarly engaged, must obtain permission to do so from the Director of the Alcohol and Tobacco Tax Division. Applications for such permission to take office shall be prepared and filed in accordance with AT-Circular, A. T. No. 956, issued January 15, 1948, copies of which have been furnished to distillers, rectifiers, and blenders of distilled spirits, and additional copies of which may be procured from the assistant regional commissioner (alcohol and tobacco tax) or from the Director of the Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C.

§ 601.307 *Rulings.* Any person who is in doubt as to any matter arising in connection with his operations or transactions with respect to liquors may request a ruling thereon by addressing a letter to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., or to the assistant regional commissioner (alcohol and tobacco tax) of the region in which his business is located.

§ 601.308 *Conferences.* Any person desiring a conference in the office of the assistant regional commissioner (alcohol and tobacco tax) of his region or of the Director, Alcohol and Tobacco Tax Division, in Washington, relative to any matter arising in connection with his operations, will be accorded such a conference upon request. No formal requirements are prescribed for such conference.

§ 601.309 *Attorneys and agents.* Attorneys and agents representing taxpayers before the Service, in the office of the Director, Alcohol and Tobacco Tax Division, or in the office of the assistant regional commissioner (alcohol and tobacco tax), must be enrolled to practice before the Treasury Department and be authorized by power of attorney, filed with the Service, to represent the taxpayer in the matter under discussion. (See Subpart E of this part.)

§ 601.310 *Forms.* For forms to be used, see § 601.301 (c).

TOBACCO PRODUCTS, TOBACCO MATERIALS, AND CIGARETTE PAPERS AND TUBES

§ 601.311 *Imposition of taxes; regulations*—(a) *Taxes.* Subchapter A of chapter 52 of the Internal Revenue Code imposes certain taxes on cigars, cigarettes, tobacco, and cigarette papers and tubes manufactured in or imported into the United States.

(b) *Regulations.* Rules bearing upon the functions of the Service, the forms used, etc., in connection with these taxes are contained in the following regulations:

(1) Part 270 of this chapter, relating to the taxes on cigars and cigarettes, and the operations of manufacturers and importers of and dealers in such products.

(2) Part 275 of this chapter, relating to the taxes on manufactured tobacco and the operations of manufacturers and importers of and dealers in such products.

(3) Part 280 of this chapter, relating to the operations of dealers in tobacco materials and the purchase and sale of tobacco materials.

(4) Part 285 of this chapter, relating to the taxes on cigarette papers and tubes and the operations of manufacturers and importers of and dealers in such articles.

(5) Part 290 of this chapter, relating to exportation of tobacco materials, tobacco products, and cigarette papers and tubes, without payment of tax, or with benefit of drawback of tax.

(6) Part 295 of this chapter, relating to removal of tobacco products and cigarette papers and tubes, without payment of tax, for use of the United States.

§ 601.312 *Special qualification and bonding requirements*—(a) *Manufacturers and dealers.* Before commencing business, every dealer in tobacco materials, manufacturer of tobacco, cigars, or cigarettes, and cigarette papers and tubes must make application to the appropriate assistant regional commissioner (alcohol and tobacco tax) for a permit to carry on such business. The application shall show his name or style, and place where the business is to be carried on. The application for permit form is Form 2093, copies of which may be obtained from any assistant regional commissioner (alcohol and tobacco tax) Every person required to file application for permit must support such application by a bond, in duplicate, on the prescribed form and in such amount, as well as other documents, required by the applicable regulations referred to in § 601.311 (b) When the application for permit, supporting bond and other required documents are received and approved by the assistant regional commissioner (alcohol and tobacco tax) he will issue to the person named in the application an appropriate permit. This permit must be posted in accordance with the requirements of the regulations in this chapter.

(b) *Warehouse proprietors.* Every proprietor of an internal revenue tobacco warehouse, as defined in Part 290 is also required to file application to establish such a warehouse and furnish a bond to the proper assistant regional commissioner (alcohol and tobacco tax) to cover the operation of the warehouse to protect the Government with respect to any liability incurred in connection with the operation of the warehouse. A proprietor of a customs bonded manufacturing warehouse, Class 6, desiring to remove cigars from his warehouse, without payment of tax, for export to a foreign country or a possession of the United States, shall, prior to making the first removal, file with the assistant regional commissioner (alcohol and tobacco tax) a bond on the prescribed form.

(c) *Drawback of tax.* Tobacco products on which the tax has been paid may be exported with benefit of drawback of such tax.

§ 601.313 *Collection of taxes*—(a) *Cigars, cigarettes, and manufactured tobacco.* The taxes on cigars, cigarettes, and manufactured tobacco are paid by stamps affixed to the box or package, and are due upon removal of domestic products from the factory and release of imported products from customs custody. Information reports are required to be filed monthly with the assistant regional commissioner (alcohol and tobacco tax) of the region in which the manufacturer is located, on or before the 20th day of the month following the month in which domestic products are removed from the factory. Such reports show the quantities of tobacco materials, tobacco products, and internal revenue tobacco products tax stamps handled. In addition to the monthly information reports, each manufacturer is required to prepare on the prescribed form and submit to the assistant regional commissioner (alcohol and tobacco tax) a true inventory of any tobacco materials, tobacco products and tax stamps on hand, at commencement of business and at the time of discontinuing business.

(b) *Cigarette papers and tubes.* The taxes on cigarette papers and tubes, unlike the taxes on tobacco and tobacco products, are payable by the manufacturer or importer by return. In the case of a domestic manufacturer the return, accompanied by remittance of tax, must be filed with the proper district director on or before the 10th day of the month following that in which the liability to tax occurs. With respect to cigarette papers and tubes subject to tax, which are imported into the United States, importers are required to file a return covering each importation, accompanied by remittance of the amount of the tax.

§ 601.314 *Rulings.* The procedure to be followed in securing a ruling on any question arising in connection with the tobacco taxes is the same as set forth in § 601.307.

§ 601.315 *Proposed assessments of additional or delinquent taxes.* When additional or delinquent tax liability with respect to tobacco, tobacco products, cigarette papers and tubes, is discovered a notice to show cause against the proposed assessment of such tax shall be forwarded to the taxpayer. (See section 5703 (d) of the Internal Revenue Code.)

§ 601.316 *Administrative remedies available to taxpayers after the purchase of tobacco tax stamps or after assessment or payment of tobacco taxes*—(a) *Redemption of stamps.* Tobacco products tax stamps which have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the owner may have no use, or which through mistake may have been improperly or unnecessarily used, or have been used in excess of the amount of tax actually due, or affixed to tobacco products withdrawn from the market, or affixed to tobacco products which are lost (otherwise than by theft) or destroyed by fire, casualty, or act of God while in the possession or ownership of the manufacturer or importer, may be redeemed if proper claim is filed with the assistant regional commissioner (alcohol and tobacco tax) Such claims must be prepared on Form 843 in accordance with the instructions shown on the form and in accordance with the provisions of the regulations referred to in § 601.311 (b) Copies of Form 843 are obtainable from offices of assistant regional commissioners (alcohol and tobacco tax)

(b) *Drawback claims.* Section 5706 of the Internal Revenue Code authorizes allowance of drawback of internal revenue taxes paid on tobacco products, and cigarette papers and tubes which are shipped from the United States for consumption or use beyond the jurisdiction of the internal revenue laws of this country. Form 2147 is required to be used for this purpose. Copies are obtainable from offices of assistant regional commissioners (alcohol and tobacco tax) As a condition precedent to the allowance of any such drawback claim, the claimant is required to file a bond on Form 2148 in a penal sum equal to the amount for which the claim is made, conditioned that he will furnish satisfactory evidence that the articles covered by his claim have been landed at a port outside the jurisdiction of the United States, or that the articles were lost (otherwise than by theft) or destroyed by fire, casualty, or act of God, and have not been relanded within the limits of the United States.

(c) *Claims for abatement or refund.* Where a tobacco tax has been paid other than by stamp, the taxpayer may file a claim for refund for any part of the payment. Similarly, any person against whom an assessment has been made but which has not been paid, may file a claim for abatement. In either case, the procedure to be followed by the claimant is the same as that set forth in the case of claims for abatement or refund of taxes as described in § 601.303 (b) and (c) All claims for refund of tobacco taxes paid pursuant to an assessment must be filed within three years after payment of the tax.

(d) *Claims for remission of tax.* Where tobacco products on which the tax has not been paid, are lost (otherwise than by theft) or destroyed by fire, casualty, or act of God, while in the possession or ownership of the manufacturer, a claim for remission of such tax may be filed. Such claim shall be in letter form, in duplicate, accompanied by evidence necessary to support the claim.

(e) *General.* Detailed instructions as to the requirements necessary to be complied with in connection with the filing of claims for redemption, drawback, refund, and remission are fully set forth in the regulations referred to in § 601.311 (b)

§ 601.317 *Offers in compromise.* The procedure in the case of offers in compromise of liability under the Internal Revenue Code relating to tobacco, cigars, cigarettes, and cigarette papers and tubes, is the same as that set forth in § 601.305 (a)

§ 601.318 *Forms.* Detailed information as to all forms prescribed for use in connection with the taxes referred to in § 601.311 (a) is contained in the regulations referred to in § 601.311 (b) Copies of these regulations, together with copies of all necessary forms and instructions as to their preparation and filing, may be obtained from assistant regional commissioners (alcohol and tobacco tax)

FIREARMS

§ 601.319 *Applicable laws.* Chapter 53 of the Internal Revenue Code of 1954 (26 U. S. C. 5801–5862) the provisions of which are chiefly derived from the National Firearms Act, as amended (act of June 26, 1934, 48 Stat. 1236), imposes a tax on the manufacture, and transfer in the United States, of machine guns and certain types of short-barreled firearms, and an occupational tax upon every importer and manufacturer of, and dealer and pawnbroker in, such machine guns and firearms. Section 1 (b) (2) of the act of August 9, 1939 (53 Stat. 1291, 49 U. S. C. 781–788) makes provision for the seizure of vessels, vehicles and aircraft on which are transported, carried, or possessed, any firearm with respect to which there has been committed any violation of the National Firearms Act or any regulations issued pursuant thereto. The Federal Firearms Act (53 Stat. 1250; 15 U. S. C. 901–909) makes it unlawful for any manufacturer or dealer (except a manufacturer or dealer having a license issued under the provisions of the act) or any person who is under indictment or who has been convicted of a crime of violence or who is a fugitive from justice, to transport, ship, or receive any firearms or ammunition in interstate or foreign commerce.

§ 601.320 *Taxes relating to machine guns and certain other firearms.* Part 179 of this chapter contains the regulations relative to the (a) payment of special taxes by manufacturers and importers of, and dealers (including pawnbrokers) in, certain types of firearms, including machine guns and silencers or mufflers, (b) payment of the tax on the making or transfer of such firearms, (c) registration, identification, importation and exportation of such firearms, (d) keeping of books and records and rendering of returns, and (e) the forfeiture and disposition of seized firearms under the provisions of the National Firearms Act.

§ 601.321 *Licensing under the Federal Firearms Act of manufactures of, and dealers in, firearms or ammunition.* Part 315 (26 CFR (1939)) contains the regulations relative to the licensing of manufacturers of, and dealers in, firearms and ammunition, the records required to be kept by the licensees, and the forfeiture and disposition of seized firearms or ammunition, under the provisions of the Federal Firearms Act.

§ 601.322 *Seizures of vessels, vehicles, and aircraft in connection with contraband firearms.* Part 468 (26 CFR (1939)) covered by section 1 (b) (2), act of August 9, 1939, and Treasury Decision 5067, approved August 29, 1941, as amended by Treasury Decision 5791, approved May 22, 1950, contain the procedural and substantive requirements relative to the seizure of vessels, vehicles, and aircraft in connection with contraband firearms, the custody and disposition including forfeitures of such conveyances or firearms, the filing of claims therefor and petitions for remission or mitigation of forfeiture, and awards for seizures or furnishing information leading to forfeiture by persons not officers of the United States.

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

[F. R. Doc. 55-8369; Filed, Oct. 13, 1955; 8:50 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 527—EMPLOYMENT OF STUDENT WORKERS

Pursuant to authority under Section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended, 29 U. S. C. 214), Reorganization Plan No. 6 of 1950 (5 U. S. C. 611), and General Order No. 45A (15 F. R. 3290), the Administrator of the Wage and Hour Division, United States Department of Labor, hereby issues Regulations, Part 527, entitled Employment of Student Workers, to read as follows:

Sec.

AUTHORITY: §§ 527.1 to 527.10 issued under sec. 14, 52 Stat. 1068, as amended; 29 U. S. C. 214.

§ 527.1 *Applicability of the regulations contained in this part.* The regulations contained in this part are issued under section 14 of the Fair Labor Standards Act of 1938, as amended, to provide for the employment under special certificates of student-workers at wages lower than the minimum wage applicable under section 6 of the act. Such certificates shall be subject to the terms and conditions hereinafter set forth.

§ 527.2 *Definitions.* As used in the regulations contained in this part: A "student-worker" is a student who is receiving instruction in an educational institution and who is employed on a part-time basis in shops owned by the educational institution, for the purpose of enabling the student to defray part of his school expenses.

§ 527.3 *Application for a student-worker certificate.* (a) Whenever the employment of student-workers as learners at wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, is believed necessary to prevent curtailment of opportunities for employment in a specified educational institution, an application for a special certificate authorizing the employment of such student-workers as learners at subminimum wage rates may be filed by an appropriate official of the educational institution with the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D. C. A copy of such application shall be filed simultaneously with the appropriate Regional Office of these Divisions.

(b) Application must be made on the official form furnished by these Divisions and must contain all information required by such form, including among other things, the industries and occupations within each industry in which the student-workers are to be employed as learners, the number of student-workers requested, their proposed hourly rates and learning periods in number of hours, the number of full-time experienced workers in such occupations and their straight-time average hourly earnings during the past year, and a description of the products being manufactured in the school-operated industry. Any applicant may also submit such additional information as may be pertinent.

(c) Any application which fails to present the information required by the forms may be returned to the applicant with a notation of deficiencies and without prejudice against submission of a new or revised application.

§ 527.4 *Procedure for action upon an application.* (a) Upon receipt of an application for the employment of student-workers as learners, the Administrator or his authorized representative shall issue a special certificate or deny the application or, in appropriate circumstances, provide an opportunity to interested parties to present their views on the application prior to granting or denying a student-worker certificate.

(b) If a student-worker certificate is issued, it shall be mailed to the educational institution. If a student-worker certificate is denied, notice of such denial shall be sent to the educational institution and such denial shall be without prejudice to the filing of any subsequent application.

(c) If a student-worker certificate is issued, there shall be published in the FEDERAL REGISTER a statement of the terms of such certificate.

§ 527.5 *Conditions governing issuance of a student-worker certificate.* The following conditions shall govern the issuance of a special certificate authorizing the employment of student-workers as learners at subminimum wage rates:

(a) The employment of the student-workers at subminimum wages authorized by the special certificate must be necessary to prevent curtailment of opportunities for employment in a specified educational institution;

(b) The student-workers must be at least 16 years of age or at least 18 years of age if employed in any occupation declared to be particularly hazardous by order of the Secretary of labor pursuant to the Fair Labor Standards Act of 1938, as amended;

(c) The occupation for which the student-workers are receiving training must require a sufficient degree of skill to necessitate an appreciable learning period;

(d) The issuance of a student-worker certificate will not tend to create unfair competitive labor cost advantages nor have the effect of impairing or depressing wage or working standards established for experienced workers for work of a like or comparable character in the industry;

(e) There have been no serious outstanding violations of the provisions of a student-worker certificate previously issued to the educational institution, nor have there been any serious violations of the act which provide reasonable grounds to conclude that the terms of a student-worker certificate may not be complied with, if issued.

§ 527.6 *Terms and conditions of employment under student-worker certificates.* (a) The student-worker certificate, if issued, shall specify, among other things: (1) The name and address of the educational institution employing the student-workers; (2) the particular industry and the occupations in which the student-workers are to be trained; (3) the number of student-workers authorized to be employed on any one day; (4) the subminimum wage rates permitted during the authorized learning period; (5) the learning period for each authorized learner occupation or group of occupations within each industry; and (6) the effective and expiration dates of the certificate.

(b) The subminimum wage rate shall be not less than 75 percent of the wage rate applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, or the progressive wage schedule shall average not less than 75 percent of such applicable minimum over the authorized learning period.

(c) No student-worker certificate may be issued retroactively.

(d) A student-worker certificate may be issued for a period not to exceed the length of one school year, unless a longer period is found to be justified by extraordinary circumstances.

(e) No provision of a student-worker certificate shall excuse noncompliance with higher standards applicable to student-workers employed as learners which may be established under any other Federal law, or any State law, or municipal ordinance.

§ 527.7 *Employment records to be kept.* In addition to any other records required under the record keeping regulations (Part 516 of this chapter) the educational institution shall keep the following records specifically relating to student-workers employed as learners at subminimum wage rates:

(a) Each student-worker employed as a learner under a student-worker certificate shall be designated as such on the payroll records kept by the school, with each student-worker's occupation and rate of pay being shown.

(b) The records required in this section, including a copy of any special certificate issued, shall be kept and made available for inspection at all times for at least three years from the last effective date of the certificate.

§ 527.8 *Amendment or replacement of a student-worker certificate.* The Administrator upon his own motion may amend the provisions of a student-worker certificate when it is necessary by reason of the amendment of these regulations, or may withdraw a student-worker certificate and issue a replacement certificate when necessary to correct omissions or apparent defects in the original certificate.

§ 527.9 *Amendment to the regulations in this part.* The Administrator may at any time upon his own motion or upon written request of any interested person setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the terms of the regulations contained in this part.

These regulations shall become effective October 14, 1955.

Signed at Washington, D. C., this 10th day of October 1955.

[SEAL] NEWELL BROWN,
Administrator,
Wage and Hour Division.

[F. R. Doc. 55-8367; Filed, Oct. 13, 1955; 8:50 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 21—COMMISSIONED OFFICERS

PRESCRIPTION OF NUMBERS IN GRADE

Section 21.111 of Subpart G is amended to read as follows:

§ 21.111 *Prescription of numbers in grade.* The following maximum number of officers is authorized to be on active duty in the Regular Corps in each of the grades from the junior assistant grade to the director grade, inclusive, during the fiscal year beginning July 1, 1955, and ending June 30, 1956:

Director grade	240
Senior grade	460
Full grade	415
Senior assistant grade	335
Assistant grade	60
Junior assistant grade	0

(Sec. 215, 58 Stat. 690; 42 U. S. C. 216. Interprets or applies sec. 206, 58 Stat. 694, as amended; 42 U. S. C. 207)

This amendment shall be effective as of July 1, 1955.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved October 10, 1955.

HEROLD C. HUNT,
Acting Secretary.

[F. R. Doc. 55-8365; Filed, Oct. 13, 1955; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 955]

HANDLING OF GRAPEFRUIT GROWN IN ARIZONA, IMPERIAL COUNTY, CALIFORNIA, AND THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO APPROVAL OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1955-56 FISCAL PERIOD

Consideration is being given to the following proposals submitted by the Administrative Committee, established under Marketing Agreement No. 96, as amended, and Order No. 55, as amended (7 CFR Part 955) regulating the handling of grapefruit grown in the State of Arizona, in Imperial County, California, and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) as the agency to administer the terms and provisions thereof: (1) That the Secretary of Agriculture find that expenses not to exceed $20,250.00 will be necessarily incurred during the fiscal period August 1, 1955, to July 31, 1956, for the maintenance and functioning of the committee established under the aforesaid amended marketing agreement and order, and (2) that the Secretary of Agriculture fix, as the share of such expenses which each handler who first ships grapefruit shall pay during the aforesaid fiscal period in accordance with the aforesaid amended marketing agreement and order, the rate of assessment at $0.015 per standard box of fruit shipped by such handler as the first handler thereof during such fiscal period.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should

file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

As used in this section, "handler," "shipped," "fruit," "fiscal period" and "standard box" shall have the same meaning as is given to each term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 11, 1955.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 55-8375; Filed, Oct. 13, 1955; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

OCTOBER 7, 1955.

The Department of the Navy has filed an application Serial Number Los Angeles 099557, for the withdrawal of the lands described below from all forms of appropriation including grazing, mining, and mineral leasing.

The applicant desires the land for use by the Fleet Marine Force, Pacific, as an artillery range and an air support training area.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior, at Room 801, California Fruit Building, 4th and J Streets, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN

T. 5 N., R. 5 E.,
Secs. 2, 3, 10, 11, 12, and 24.
T. 6 N., R. 5 E.,
Sec. 1, N½SW¼NW¼, N½S½SW¼NW¼, and SW¼NW¼NW¼,
Secs. 2 to 4, 6 to 8, and 10 to 12, inclusive;
Secs. 14 and 15;
Secs. 22 to 24, and 26 to 28, inclusive;
Secs. 34 and 35.
T. 7 N., R. 5 E.,
Secs. 11, 12, 14, 15, and 20;
Secs. 22 to 24, inclusive;
Sec. 25, SW¼ and S½SE¼,
Secs. 26 to 28, 30 to 32, inclusive;
Secs. 34 and 35 and those parts of Secs. 2, 3, 8, 10, 18, and 19, lying south of right-of-way of Southern California Edison Co.
T. 2 N., R. 6 E.,
Secs. 1, 2, 11 and 12.
T. 3 N., R. 6 E.,
Secs. 1 to 16, and 22 to 27, inclusive;
Sec. 34;
Sec. 35, N½, SE¼.
T. 4 N., R. 6 E.,
Secs. 2 to 4, 6 to 8, and 10 to 12, inclusive;
Sec. 13, S½S½,
Secs. 14 and 15;
Sec. 17, S½ and S½N½,
Secs. 18 to 20, inclusive;
Sec. 21, N½ and SW¼,
Sec. 22, N½, E½SE¼, NW¼SE¼, and NE¼SW¼,
Secs. 23 to 26, inclusive;
Sec. 27, SE¼, S½SW¼ and NW¼SW¼,
Secs. 28 to 35, inclusive;
Sec. 36, N½ and SE¼.
T. 5 N., R. 6 E.,
Secs. 2 to 4, 6 to 8, and 10 to 12, inclusive;
Secs. 14 and 15;
Secs. 18 to 20, inclusive;
Secs. 22 and 23;
Sec. 24, S½, NE¼, S½NW¼,
Secs. 26 to 28, inclusive;
Sec. 30;
Sec. 31, N½, SE¼, N½SW¼, SE¼SW¼,
Secs. 32, 34, and 35.
T. 6 N., R. 6 E.,
Secs. 2 to 4, 6 to 8, and 10 to 12, inclusive;
Secs. 14 and 15;
Secs. 18 to 20, 22 to 24, 26 to 28, and 30 to 32, inclusive;
Secs. 34 and 35.
T. 7 N., R. 6 E.,
Sec. 4;
Secs. 6 to 8, inclusive;
Secs. 10 and 15;
Secs. 18 to 20, 22 to 24, 26 to 28, and 30 to 32, inclusive;
Secs. 34 and 35.
T. 2 N., R. 7 E.,
Secs. 1 to 18, inclusive;
T. 3 N., R. 7 E.,
Secs. 1 to 15, inclusive;
Secs. 17 to 33, inclusive;
Sec. 34, N½, SW¼ and W½SE¼,
Sec. 35, N½, and SE¼.
T. 4 N., R. 7 E.,
Secs. 2 to 4, 6 to 8, 10 to 12, inclusive;
Secs. 14 and 15;
Sec. 17, S½S½,
Secs. 18 to 24, inclusive;
Sec. 25, SW¼,
Secs. 26 to 35, inclusive.
T. 5 N., R. 7 E.,
Secs. 2 to 4, 6 to 8, 10 to 12, inclusive;
Secs. 14 and 15;
Secs. 18 to 20, 22 to 24, 26 to 28, and 30 to 32, incl;
Secs. 34 and 35.
T. 6 N., R. 7 E.,
Secs. 2 to 4, 6 to 8, and 10 to 12, inclusive;
Secs. 14 and 15;
Secs. 18 to 20, 22 to 24, 26 to 28, and 30 to 32, inclusive;
Secs. 34 and 35.
T. 7 N., R. 7 E.,
Secs. 19 and 20;
Secs. 22 to 24, 26 to 28, and 30 to 32, inclusive;
Secs. 34 and 35.
T. 2 N., R. 8 E.,
Sec. 1;
Sec. 2, N½, SE¼ and W½SW¼,
Secs. 3 to 18, inclusive;
Sec. 24, NE¼.
T. 3 N., R. 8 E.,
Secs. 2 to 4, inclusive;
Sec. 5, S½ and W½NW¼,
Secs. 6 to 8, inclusive;
Sec. 9, W½ and SE¼,
Secs. 10 to 12, inclusive;
Secs. 14 and 15;
Secs. 17 to 19, inclusive;
Sec. 20, N½, SW¼, W½SE¼ and SE¼SE¼,
Secs. 21 to 25, inclusive;
Sec. 36, N½ and SE¼.
T. 4 N., R. 8 E.,
Secs. 2 to 4, 6 to 8, and 10 to 12, inclusive;
Secs. 14 and 15;
Secs. 18 to 20, 22 to 24, 26 to 28, and 30 to 32, inclusive;
Secs. 34 and 35.
T. 5 N., R. 8 E.,
Secs. 2 to 4, 6 to 8, and 10 to 12, inclusive;
Secs. 14 and 15;
Secs. 18 to 20, 22 to 24, 26 to 28, and 30 to 32, inclusive;
Secs. 34 and 35.
T. 6 N., R. 8 E.,
Secs. 19 and 20;
Secs. 22 to 24, 26 to 28, and 30 to 32, inclusive;
Secs. 34 and 35.
T. 2 N., R. 9 E.,
Secs. 1 to 15, inclusive;
Secs. 17 and 18;
Sec. 19, N½ and NE¼SE¼;
Secs. 20 to 24, inclusive;
Sec. 27, W½,
Sec. 28;
Sec. 29, E½, E½W½ and NW¼NW¼,
Sec. 32, NE¼,
Sec. 33, E½E½,
Sec. 34, W½NW¼ and NW¼SW¼.
T. 3 N., R. 9 E.,
Secs. 2 to 4, 6 to 8, and 10 to 12, inclusive;
Secs. 14 and 15;
Secs. 18 to 20, and 22 to 24, inclusive;
Sec. 25, W½SW¼,
Secs. 26 to 36, inclusive.
T. 4 N., R. 9 E.,
Secs. 2 to 4, 6 to 8, and 10 to 12, inclusive;
Secs. 14 and 15;
Secs. 18 to 20, 22 to 24, 26 to 28, and 30 to 32, inclusively;
Secs. 34 and 35.
T. 5 N., R. 9 E.,
Secs. 2 to 4, 6 to 8, and 10 to 12;
Secs. 14 and 15;
Secs. 18 to 20, 22 to 24, 26 to 28, and 30 to 32, inclusively;
Secs. 34 and 35.
T. 6 N., R. 9 E.,
Secs. 19 and 20;
Secs. 22 to 24, 26 to 28, and 30 to 32, inclusive;
Secs. 34 and 35.
T. 3 N., R. 10 E.,
Secs. 2 to 4, inclusive;
Sec. 5, S½NE¼SE¼, W½SE¼SE¼, SE¼SW¼SE¼,
Secs. 6 to 8, and 10 to 12, inclusive;
Secs. 14 and 15;
Secs. 18 to 20, and 22 to 24, 26 to 28, and 30 to 32, inclusive;
Sec. 33, SW¼, S½SE¼, S½NW¼,
Secs. 34 and 35.
T. 4 N., R. 10 E.,
Secs. 2 to 4, 6 to 8, and 10 to 12, inclusive;
Secs. 14 and 15;
Secs. 18 to 20, 22 to 24, 26 to 28, and 30 to 32, inclusive;
Secs. 34 and 35.
T. 5 N., R. 10 E.,
Secs. 2 to 4, 6 to 8, and 10 to 12, inclusive;
Secs. 18 to 20, 22 to 24, and 26 to 28, and 30 to 32, inclusive;
Secs. 34 and 35.

T. 3 N., R. 11 E.,
Secs. 2 to 4, 6 to 8, and 10 to 12, inclusive;
Secs. 14 and 15;
Secs. 18 to 20, 22 to 24, 26 to 28, and 30 to 32, inclusive;
Secs. 34 and 35.
T. 4 N., R. 11 E.,
Secs. 3 and 4;
Secs. 6 to 8, inclusive;
Secs. 10 and 15;
Secs. 18 to 20, 22 to 24, 26 to 28, and 30 to 32, inclusive;
Secs. 34 and 35.
T. 5 N., R. 11 E.,
Secs. 6 to 8, inclusive;
Secs. 10 and 15;
Secs. 18 to 20, inclusive;
Secs. 22, 27 and 28;
Secs. 30 to 32, inclusive;
Sec. 34.
T. 3 N., R. 12 E.,
Sec. 4;
Secs. 6 to 8, and 18 to 20, inclusive;
Sec. 28;
Secs. 30 to 32, inclusive.
T. 4 N., R. 12 E.,
Secs. 19 and 20;
Sec. 28, W½,
Secs. 30 to 32, inclusive.

The areas described contain approximately 449,000 acres of public land.

R. R. BEST,
State Supervisor

[F. R. Doc. 55-8360; Filed, Oct. 13, 1955; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

DIRECTOR, COTTON DIVISION

DELEGATION OF AUTHORITY

Pursuant to the authority vested in me by the Administrator of the Agricultural Marketing Service on January 1, 1954 (19 F R. 35) the Director, Cotton Division, Agricultural Marketing Service, under my supervision and direction, is hereby delegated authority to exercise the powers and functions, except promulgation of new or revised regulations and standards, vested in the Administrator of the Agricultural Marketing Service by the regulations hereinafter set forth.

The regulations are as follows:

1. 7 CFR Part 27—Cotton Classification under Cotton Futures Legislation.
2. 7 CFR Part 28—Cotton Standards.
3. 7 CFR Part 61—Cottonseed Sold or Offered for Sale for Crushing Purposes (Inspection, Sampling, and Certification)

The Director of the Cotton Division is further authorized to redelegate any or all of the aforesaid authority to any officer or employee of the Agricultural Marketing Service under his supervision.

Any action heretofore taken by the Director or his delegates with respect to the foregoing matters is hereby ratified and confirmed, and shall remain in full force and effect unless and until expressly modified, amended, suspended, revoked, or terminated.

The delegation of authority set forth herein shall not preclude the Administrator or the Deputy Administrator, Agricultural Marketing Service, from exercising any of the powers and functions or from performing any of the duties conferred hereby, and the delegation is subject at all times to withdrawal or amendment by the Administrator or Deputy Administrator.

Done at Washington, D. C., this 11th day of October 1955.

[SEAL] ROY W LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 55-8376; Filed, Oct. 13, 1955; 8:51 a. m.]

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

OCTOBER 1955 DOMESTIC AND EXPORT SALES LISTS

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F R. 6669) and subject to the conditions stated therein, the following commodities are available for sale in the quantities stated and on the price basis set forth:

OCTOBER 1955 MONTHLY SALES LIST

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Dairy products	Domestic prices apply "in store" [1] at location of stocks. Export prices apply f. a. s. U. S. port of export, or in store at location of stocks at f. a. s. price less export freight rate to agreed port of export. Available through Cincinnati and Portland CSS Commodity Offices for domestic sale, and through the Livestock and Dairy Division, CSS, USDA, Washington 25, D. C., for export sale.
Nonfat dry milk solids (in carloads only): Spray, 32,000,000 pounds; roller, as available.	Domestic, unrestricted use: Spray process, U. S. Extra Grade: In barrels and drums, 17 cents per pound; in bags, 16.15 cents per pound. Roller process, U. S. Extra Grade: In barrels and drums, 15.25 cents per pound; in bags, 14.40 cents per pound. Domestic, restricted use (animal and poultry feed): 11½ cents per pound delivered in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Ohio, and Michigan. 12½ cents per pound delivered in all other States and in the District of Columbia. Sales to be made under Announcement LD-14 and Supplements. Export, unrestricted use: Spray process, U. S. Extra Grade: In barrels and drums, 11.75 cents per pound; in bags, 10.90 cents per pound. Roller process, U. S. Extra Grade: In barrels and drums, 10 cents per pound; in bags, 9.16 cents per pound. Special export: Competitive bid on 4,000,000 pounds, spray process in accordance with Announcement LD-5. Offers to be considered daily until this quantity is sold or program is terminated.
Salted creamery butter (in carloads only), 120,000,000 pounds.	Domestic, unrestricted use: U. S. Grade A and higher: 61.25 cents per pound, New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. All other States 60.5 cents per pound. U. S. Grade B: 2 cents per pound, less than Grade A prices. Domestic, restricted use: Competitive bid in accordance with Announcement DA-111 and supplements for use as an extender for cocoa butter in the manufacture of chocolate. Export, unrestricted use: U. S. Grade A: Not less than 41 cents per pound. U. S. Grade B: Not less than 39 cents per pound. Export, restricted use: Competitive bid (1) in accordance with Announcement DA-111 and supplements for use, (a) in recombining with U. S. produced nonfat dry milk solids into liquid milk and evaporated milk, and (b) in making butter oil or ghee, and (2) in accordance with Announcement LD-10 and supplements for industrial uses. Special export: Competitive bid on 8,000,000 pounds butter in accordance with Announcement LD-7. Offers to be considered daily until this quantity is sold or program is terminated.
Cheddar cheese: Cheddars, flats, twins and rindless blocks (standard moisture basis in carloads only), 268,000,000 pounds.	Domestic: U. S. Grade A and higher: 36¼ cents per pound, for New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic and Pacific Ocean and Gulf of Mexico. All other States 35¼ cents per pound. U. S. Grade B: 1 cent per pound, less than Grade A prices. Export: U. S. Grade A: 25.5 cents per pound, basis port of export. U. S. Grade B: 24.5 cents per pound, basis port of export. Cheese prices are subject to usual adjustments for moisture content.
Wool, shorn and pulled grease (including small quantities of scoured) 149,000,000 pounds.	Domestic or export: Prices basis ex-warehouse where stored, as determined by the Boston CSS Commodity Office, reflecting not less than 103 percent of the 1954 schedule of loan rates per pound plus an allowance for sales commission, Boston basis, adjusted for net freight on wool stored outside the Boston storage area. No change in pricing policy through Oct. 31, 1955.
Cotton, Upland and Extra Long Staple.	Domestic or export: Competitive bid but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC.
Cotton linters	Detailed terms and conditions will be issued by the New Orleans CSS Commodity Office. A catalog showing quantities, qualities, and locations may be obtained for a nominal fee from that office.[2] Domestic or export: Competitive bid in carlot quantities as follows: (a) First Cut Linters and Mill Run Linters catalogued on U. S. Grades, (b) Second Cut and Mill Run Linters and Hull Fiber catalogued on Cellulose Content, and will be sold on basis of 73 percent cellulose, with premiums and discounts of 0.04 cent per pound, fractions in proportion, for each 1 percent of cellulose above or below 73 percent. Detailed terms and conditions are available from the New Orleans CSS Commodity Office. A catalog showing quantities, qualities, and locations may be obtained for a nominal fee from that office.
Cottonseed oil, refined	Domestic: Limited quantities on competitive bid but not less than the market price on date of sale f. o. b. tankcars or tankwagons at points of storage locations. Available New Orleans CSS Commodity Office and Oils and Peanut Division, CSS, USDA, Washington 25, D. C. Export: Competitive bid on limited quantities as announced by the New Orleans CSS Commodity Office, subject to the terms and conditions of NO-CS-12.[3]
Linseed oil	Domestic: Market price on date of sale but not less than equivalent of the 1954 support price for flaxseed. No change in pricing policy through Oct. 31, 1955. Available Cincinnati CSS Commodity Office. Export: Competitive bid as announced by the Cincinnati CSS Commodity Office; subject to the terms and conditions of CT-OP-4 and CT-OP-6.
Tung oil	Domestic or export: Competitive bid as announced by the Cincinnati CSS Commodity Office; subject to the terms and conditions of CT-OP-7 and amendments thereto.
Soybeans, bulk (domestic sales for crushing only)., Flaxseed, bulk (as available domestic sales for crushing only).	Domestic or export: Market price on date of sale. Limited quantities available Chicago, Kansas City, and Minneapolis CSS Commodity Offices. Domestic: On LOL lots, market price on date of sale, basis in store. On all other storable lots market price but not less than the 1954 support price. No change in pricing policy through Oct. 31, 1955. Available Chicago and Minneapolis CSS Commodity Offices.

See footnotes at end of table.

OCTOBER 1955 MONTHLY SALES LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Corn bulk, 50 000 000 bushels	Domestic: Commercial corn producing area: Market price, basis in store,[3] but not less than the legal minimum price (1955 loan rate basis point of production for class, grade, and quality plus 10 cents per bushel) Examples of minimum price per bushel including average paid in freight: Chicago, No. 3 yellow, $1.87; Minneapolis, No. 3 yellow, $1 78; Kansas City No. 3 yellow, $1.86; Portland, No 3 yellow, $1.99. Available Chicago, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices Noncommercial corn producing area: Market price, basis in store,[3] but not less than 133 percent of applicable 1955 loan rate, plus 10 cents per bushel Export: Price as determined by CCC. Offerings also on competitive bid as announced by the Kansas City, Minneapolis, Dallas, Portland and Chicago CSS Commodity Offices [3]
Wheat	Domestic unrestricted use: Commercial wheat producing area: Market price, basis in store,[3] but not less than the legal minimum price (1955 loan rate for class, grade, quality, and location, plus 10 cents per bushel). Examples of minimum price per bushel: Chicago, No 1 RW, $2 57; Minneapolis, No. 1 DNS, $2.60; Kansas City, No. 1 HW, $2.57. Noncommercial wheat producing area: Market price, basis in store [3] but not less than 133 percent of applicable 1955 county loan rate plus 10 cents per bushel. Domestic, restricted use (for feed only): Small quantities in Alabama Arkansas Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, and West Virginia. Market price for feed, basis in store. Available Dallas and Chicago CSS Commodity Offices. Export: Pursuant to Announcements GR-212, 201, and 202 at prices announced daily. Export may be made either as wheat or flour.[3] Available Dallas, Chicago, Minneapolis, Kansas City, and Portland CSS Commodity Offices for export or domestic sale.
Oats, bulk	Domestic, unrestricted use: Market price, basis in store,[3] but not less than the legal minimum price (1955 loan rate basis point of production for class grade and quality plus 9 cents per bushel). Examples of minimum price per bushel including average paid in freight: Chicago, No. 3 oats or better, $0.63; Minneapolis, No 3 oats or better, $0.78. Domestic, restricted use (for feed only): Small quantities in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Missouri, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia and West Virginia. Competitive bid as announced by Chicago and Dallas CSS Commodity Offices. Export: Price as determined by CCC. Offerings also on competitive bid as announced by the Minneapolis Chicago, Kansas City, Portland, or Dallas CSS Commodity Offices.[3] Available at the above offices for export or domestic sale.
Barley, bulk	Domestic, unrestricted use: Market price, basis in store,[3] but not less than the legal minimum price (1955 applicable loan rate for class, grade quality, and location plus 12 cents per bushel). Example of minimum price per bushel: Minneapolis, No. 2 barley, $1.23. Domestic, restricted use (for feed only): Small quantities in states of Alabama Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Missouri, Mississippi, New Jersey, New York North Carolina, Pennsylvania South Carolina, Tennessee, Virginia, and West Virginia. Market price, for feed, basis in store. Available Chicago and Dallas CSS Commodity Offices. Export: Price as determined by CCC. Offerings also on competitive bid as announced by the Minneapolis, Kansas City, Chicago, Dallas, or Portland CSS Commodity Offices.[3]
Rye, bulk	Available at the above offices for domestic or export sale. Domestic, unrestricted use: Market price, basis in store,[3] but not less than the legal minimum price (1955 applicable loan rate for class grade quality, and location plus 14 cents per bushel). Example of minimum price per bushel: Minneapolis, No. 2 or better, $1.53. Domestic, restricted use (for feed only): Market price for feed, basis in store Export: Price as determined by CCC. Offerings also on competitive bid as announced by the Minneapolis, Kansas City, Dallas, Chicago, and Portland CSS Commodity Offices.[3]
Rice, rough, 500,000 hundredweight	Availal le at above offices for domestic or export sale. Domestic: Market price as determined by CCC, but not less than the legal minimum price (1955 loan rate basis point of production plus 5 percent plus 21 cents per hundredweight). Export: 1955 support rates f. a. s., West Gulf ports (port at option of CCC). Where deliveries are made at points other than ports, deductions will be made for minimum freight charges to port. Available Dallas CSS Commodity Office for domestic or export sale [3]

See footnotes at end of table

OCTOBER 1955 MONTHLY SALES LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Rice, milled, 1 000,000 hundredweight	Domestic: For U. S. No. 2 (4 percent brokens), the market price but not less than the legal minimum price (the equivalent loan rate for rough rice by varieties plus 5 percent, adjusted for milling, plus 24 cents per hundredweight) Examples of minimum prices of milled rice per hundredweight, at mills:

	Head U. S. No. 2 (4 percent brokens)	U. S. No. 5 (35 percent brokens)	Second heads U S No 3
Bluebonnet	$11 13	$8 08	$6 50
Zenith	0 41	7 81	6 00

Export: A schedule of prices to be announced by Dallas CSS Commodity Office
Examples of prices of milled rice per hundredweight, f a s, West Gulf ports (port at option of CCC):

	U. S No. 2 head (7 percent brokens)	U. S. No. 5 (35 percent brokens)		Second heads U S No 3
		1954	1953	
Bluebonnet	$10 20	$7 80	.. ..	$4 45
Zenith	8.70	6.49	$6.00	4 20
Pearl	8.70	6.49		4 20

1953 crop rice (U. S. No. 5, 35 percent brokens) is available f o b Mexican border points at same price as at West Gulf ports.
Available Dallas CSS Commodity Office for domestic or export sale.[3]

Rice, broken (as available do mestic sales for feed only)	Domestic or Export: Competitive bid as announced by the Dallas CSS Commodity Office.
Grain sorghums bulk	Domestic: Market price basis in store,[3] but not less than the legal minimum price (1955 applicable loan rate for class, grade, quality and location plus 22 cents per 100 pounds). Example of minimum price per hundredweight: Kansas City, No 2 or better, $2.44. Available Dallas and Kansas City CSS Commodity Offices. Export: Competitive bid as announced by Dallas Commodity Office.
Dry edible beans (bagged)	Prices for domestic sale are for U. S. No. 1 f. o. b. indicated points of production Amount of paid in freight to be added as applicable. For other grades of all beans adjust by market differentials.
Pinto beans, 1954 crop, 500 000 hundredweight.	Domestic: Market price but not less than $8.65 per 100 pounds, points of production, Denver rate area For other areas adjust by the 1955 support price differentials. Available Minneapolis, Kansas City, Dallas, and Portland CSS Commodity Offices. Export: Competitive bid as announced by the Kansas City CSS Commodity Office.
Pink beans, 1954 crop 500 000 hundredweight.	Domestic: Market price but not less than $7.31 per 100 pounds, California points of production. Available Portland CSS Commodity Office. Export: Competitive bid as announced by the Portland CSS Commodity Office
Small red beans, 1954 crop, 300 000 hundredweight	Domestic: Market price but not less than $7 42 per 100 pounds Available Portland CSS Commodity Office. Export: Competitive bid as announced by the Portland CSS Commodity Office.
Large lima beans, 1954 crop, 175 000 hundredweight	Domestic or export Market price but not less than $10.42 per 100 pounds California points of production Available Portland CSS Commodity Office

OCTOBER 1955 MONTHLY SALES LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Hay, pasture and cover crop seeds, (bagged).	F. o. b. point of production plus any paid-in freight as applicable basis current freight rate at time of sale. Premiums and discounts may be obtained from the commodity offices for qualities above or below basic specification. Offers will not be accepted for less than warehouse receipt lot or minimum weight carlot as prescribed by railroad carrier's regulation at point of storage.
Birdsfoot Trefoil seed, 1,000 hundredweight.	Domestic: $65 per 100 pounds. Available Portland CSS Commodity Office.
Alfalfa Seed Northern, 47,000 hundredweight.	Export: Competitive bid as announced by Portland CSS Commodity Office.
Alfalfa seed (certified), Ladak, 2,500 hundredweight; Buffalo, 22,000 hundredweight.	Domestic: $35 per 100 pounds.[4] Available Minneapolis and Portland CSS Commodity Offices. Export: Competitive bid as announced by Portland CSS Commodity Office. Domestic: $40 per 100 pounds. Ladak available Portland and Kansas City, and Buffalo available Portland CSS Commodity Offices.[4] Export: Competitive bid as announced. Ladak by Kansas City, and Buffalo by Portland CSS Commodity Offices.
Tall Fescue seed (common), 23,000 hundredweight.	Domestic: $18 per 100 pounds. Available Portland, Kansas City, Dallas, and Chicago CSS Commodity Offices.[4] Export: Competitive bid as announced by Chicago CSS Commodity Office.
Tall Fescue seed (certified), 84,000 hundredweight.	Domestic: $20 per 100 pounds. Available Portland, Dallas, and Chicago CSS Commodity Offices.[4] Export: Competitive bid as announced by Portland CSS Commodity Office.
Gum rosin (in galvanized metal drums averaging 517 pounds net).	Domestic or export: Offer and acceptance, "as is" in the stated quantities at the designated storage yards, subject to the prices, terms, and conditions of Announcement TB-21 and Supplements issued not more often than weekly by the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.
Gum turpentine (bulk in tanks)...	Domestic or export: Offer and acceptance, "as is" in the stated quantities in the designated storage tanks, subject to the prices, terms, and conditions of Announcement TB-21 and Supplements issued not more often than weekly by the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.

[1] At the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.
[2] Sales of grains made under Title I, P. L. 480, may be made on terms and conditions of GR 301 and GR 302. Other commodities under the announcement indicated.
[3] In those counties in which grain is stored in CCC bin sites, delivery will be made f. o. b. buyer's conveyance at bin site without additional cost: sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements with the warehousemen for storage documents.
[4] Prices for basic specifications will not be reduced through the period ending June 30, 1956.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: October 7, 1955.

[SEAL] EARL M. HUGHES,
Executive Vice-President,
Commodity Credit Corporation.

[F. R. Doc. 55-8307; Filed, Oct. 12, 1955; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522) special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below: conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended April 19, 1955, 20 F R. 2304)

A. C. M. Corp., Winder, Ga., effective 9-29-55 to 9-28-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' dress pants).

Allen Garment Co., College Street, Franklin, Ky., effective 10-12-55 to 10-11-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' sport shirts).

Archbald Sewing Co., 140 Cherry Street, Archbald, Pa., effective 10-3-55 to 10-7-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (children's dresses).

Ashland-Benton Corp., Ashland, Miss., effective 10-11-55 to 10-10-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton shirts).

Blue Bell, Inc., Belmont, Miss., effective 10-13-55 to 10-12-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants).

Blue Bell, Inc., Tupelo, Miss., effective 10-13-55 to 10-12-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (western-type shirts).

Cassie Sportswear, Inc., 306-10 Catawissa Street, Nesquehoning, Pa., effective 10-27-55 to 10-26-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' blouses).

Cowden Manufacturing Co., 120 South Bank Street., Mount Sterling, Ky., effective 10-23-55 to 10-22-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton work suits and coats; Denim dungarees and wash slacks).

Crystal Springs Shirt Corp., Crystal Springs, Miss., effective 10-21-55 to 10-20-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (boys' shirts).

Empire Manufacturing Co., Winder, Ga., effective 9-29-55 to 9-28-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants and shirts).

The Enro Shirt Co., Inc., 1010 South Preston Street, Louisville, Ky., effective 10-19-55 to 10-18-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's pajamas, shirts and sportshirts).

Lebanon Garment Co., East Market Street, Lebanon, Tenn., effective 10-4-55 to 10-3-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' trousers).

The Owenby Manufacturing Co., Andrews, N. C., effective 9-30-55 to 2-29-56; 50 learners for plant expansion purposes (dresses).

Page Manufacturing Co., 508 West Main Street, Lexington, Ky., effective 9-30-55 to 2-29-56; 10 learners for plant expansion purposes (ladies' cotton dresses).

Page Manufacturing Co., 508 West Main Street, Lexington, Ky., effective 9-30-55 to 9-29-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' cotton dresses).

Reliance Manufacturing Co., Dixie Factory, 100 Ferguson Street, Hattiesburg, Miss., effective 9-30-55 to 2-7-56; 20 learners for plant expansion purposes (work shirts and pants).

Rosenau Bros., West Bertsch Street, Lansford, Pa., effective 10-21-55 to 10-20-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (children's dresses).

Rosenau Bros., Inc., Main Street, Red Hill, Pa., effective 10-6-55 to 10-5-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (children's dresses).

Sandye Shirt Corp., Portland, Tenn., effective 9-29-55 to 2-29-56; 60 learners for plant expansion purposes (men's and boys' sport shirts).

Selma Garment Co., 1508 Water Avenue, Selma, Ala., effective 10-3-55 to 10-2-56; 10 learners for normal labor turnover purposes (western style blue jeans).

Southland Manufacturing Co., Inc., 1510 South Third Street, Wilmington, N. C., effective 9-27-55 to 9-26-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (dress and sport shirts).

T and T Pants Manufacturing Co., Inc., 1101 Wyoming Avenue, Scranton, Pa., effective 10-4-55 to 10-3-56; 10 learners for normal labor turnover purposes (men's trousers).

Wilgree Manufacturing Co., Inc., 28 South Scott Street, Camilla, Ga., effective 9-28-55 to 2-29-56; 25 learners for plant expansion purposes (men's sport and dress shirts).

Williamson-Dickie Manufacturing Co., P O. Box 1551, McAllen, Tex., effective 9-28-55 to 9-27-56; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended April 19, 1955, 20 F R. 2304)

Good Luck Glove Co., Carbondale, Ill., effective 10-15-55 to 10-14-56; 10 percent of the total number of machine stitchers for normal labor turnover purposes (cotton, Jersey and leather combination work gloves).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended April 19, 1955, 20 F R. 2304)

Ilena Mills, Inc., Manufacturers' Road, Chattanooga, Tenn., effective 10-3-55 to 10-2-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's, women's and children's knitted underwear).

Kain-Murphey Corp., Manufacturers' Road, Chattanooga, Tenn., effective 10-3-55 to 10-2-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (children's knitted sleeping garments).

Knickerbocker Manufacturing Co., West Point, Miss.; effective 10-13-55 to 10-12-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's woven sleepwear and shorts).

Rockwood Garment Co., Inc., Rockwood, Pa., effective 10-8-55 to 10-7-56; 5 learners for normal labor turnover purposes (ladies' rayon panties).

Signal Knitting Mills, Manufacturers' Road, Chattanooga, Tenn., effective 10-3-55 to 10-2-56; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's, women's and children's knitted underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645)

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning periods and the learner wage rates are indicated, respectively.

Debmar Corp., Canovanas, P. R., effective 9-21-55 to 3-20-56; 100 persons may be employed as learners on any one workday in the occupation of Sewing Machine Operator for 240 hours at 45 cents an hour, and 240 hours at 50 cents an hour (brassieres).

Standard Products Co., Inc., 461 Francia Street, Hato Rey, P. R., effective 9-12-55 to 3-11-56; 34 persons may be employed as learners on any one workday in the occupations of multiple winding; coil processing; stacking; saw operators; testing; finishing; and press operators. In each occupation 240 hours at 50 cents an hour, and 240 hours at 60 cents an hour. (Assembly of transformers.)

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 5th day of October 1955.

MILTON BROOKE,
Authorized Representative of the Administrator

[F. R. Doc. 55-8361; Filed, Oct. 13, 1955; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7189; Order E-9627]

BONANZA AIR LINES, INC.

STATEMENT OF TENTATIVE FINDINGS AND CONCLUSIONS AND ORDER TO SHOW CAUSE[1]

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 6th day of October 1955.

[1] This statement does not necessarily represent the views of all Members of the Board with respect to all issues.

In the matter of the application of Bonanza Air Lines, Inc., under section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration for Route No. 105.

Bonanza Air Lines, Inc. (Bonanza), on May 31, 1955, filed an application pursuant to section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended (the Act), requesting the Board to issue Bonanza a certificate of public convenience and necessity of unlimited duration for route No. 105 authorizing air transportation of persons, property and mail between certain named points.

Section 401 (e) (3) of the Act (effective May 19, 1955) provides: "If any applicant who makes application for a certificate within one hundred and twenty days after the date of enactment of this paragraph shall show that, from January 1, 1953, to the date of its application, it or its predecessor in interest, was an air carrier furnishing, within the continental limits of the United States, local or feeder service consisting of the carriage of persons, property, and mail, under a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board, continuously operating as such (except as to interruptions of service over which the applicant or its predecessors in interest have no control) the Board, upon proof of such fact only, shall unless the service rendered by such applicant during the period since its last certification has been inadequate and inefficient, issue a certificate or certificates of unlimited duration, authorizing such applicant to engage in air transportation between the terminal and intermediate points within the continental limits of the United States between which it, or its predecessor, so continuously operated between the date of enactment of this paragraph and the date of its application: *Provided*, That the Board in issuing the certificate is empowered to limit the duration of the certificate as to not over one-half of the intermediate points named therein, which points it finds have generated insufficient traffic to warrant a finding that the public convenience and necessity requires permanent certification at such time."

Bonanza alleges in its application that it is a citizen of the United States of America as defined by section 1 (13) of the Act. Proof of this fact has been submitted by Bonanza in other certification proceedings and no information to the contrary has since come to the knowledge of the Board.

Bonanza further alleges in its application that it has continuously operated as an air carrier furnishing local or feeder air transportation of persons, property and mail within the continental limits of the United States during the period January 1, 1953 to the date of its application under a temporary certificate of public convenience and necessity for route No. 105 issued by the Board, except as to interruptions of service over which it had no control. The various schedules and reports required to be filed with the Board by local service carriers indicate that Bonanza has so continuously operated since January 1, 1953.

Section 401 (e) (3) of the Act requires in effect that the Board find as a prerequisite to the granting of a certificate of unlimited duration to Bonanza that the service rendered by Bonanza during the period since its last certification has not been inadequate or inefficient. The carrier in its application for such certificate filed May 31, 1955, alleges its service rendered during the aforesaid period has been adequate and efficient. The Board during the said period has received no complaints from the public relating to the overall service provided by this carrier. The Board is possessed of no information from which it could find that, considered as a whole, the service provided by this carrier during the period from January 25, 1955, the date of Bonanza's last certificate for route No. 105, to the present has been inadequate or inefficient within the meaning of section 401 (e) (3) of the Act.

Bonanza further alleges in its application that it has from the date of the enactment of section 401 (e) (3) (May 19, 1955) to the date of its application, continuously served the following terminal and intermediate points:

Reno, Nev.	San Diego, Calif.
Hawthorne, Nev.	Santa Ana-Laguna Beach, Calif.
Tonopah, Nev.	Los Angeles, Calif.
Las Vegas, Nev.	Burbank, Calif.
Kingman, Ariz.	Blythe, Calif.
Prescott, Ariz.	Indio, Calif.
Phoenix, Ariz.	Riverside-Ontario, Calif.
Yuma, Ariz.	
El Centro, Calif.	

Section 401 (e) (3) provides in effect that all terminal points served by the local service carrier applicant during the period from May 19, 1955 to May 31, 1955 shall be certificated for a period of unlimited duration. The certificate we propose to issue to Bonanza (which is set forth below as Appendix A) accomplishes this.

Section 401 (e) (3) empowers the Board to limit the duration of the certificate as to not over one-half of the intermediate points named therein, which points the Board finds have generated insufficient traffic to warrant a finding that the public convenience and necessity require permanent certification. The Board has proposed an industry-wide traffic standard upon which to base a tentative conclusion as to whether a particular intermediate point should be permanently or temporarily certificated. A standard which can be applied on an industry-wide basis will assure that all the intermediate cities are equitably treated. The Board has concluded, on the basis of an analysis of the latest available traffic data, that an average of five or more passengers enplaned per day provides a reasonable basis for selection of those intermediate points to be permanently certificated at this time.

As indicated above, the recent amendment of the Act provides for the certification for an unlimited duration of all terminal points and of at least one-half of the intermediate points named in the certificate. This means that in the future the applicant carrier will be providing services over permanently certificated segments. During the years of local service carrier experience, the Board, in consideration of the subsidized nature of the operation, has found that

on-line intermediate points generating in the neighborhood of 300 passengers on and off monthly have borne a reasonable share of the expense incurred by the carrier in providing service to the intermediate points on existing flights. In the past, the Board has also found that local service carrier points generating in the neighborhood of five or more enplaned passengers per day have warranted recertification. This leads us to conclude that in the absence of a further showing, the five passenger per day standard is a reasonable one for selecting those intermediate points to be permanently certificated.

The proposed certificate which is set forth below as Appendix A grants Bonanza permanent authority at those intermediate stations shown in Appendixes C, D and E[2] to have met this five-passenger per day standard and temporary authority at all other intermediate stations served by Bonanza during the period May 19, 1955 to May 31, 1955. Appendixes C and D set forth in tabular form, the average number of daily passengers enplaned at each Bonanza intermediate point for the calendar year 1954 and for the twelve-month periods ended March 31, 1955 and June 30, 1955. The average number of passengers enplaned at intermediate points generating less than five passengers per day is set forth in Appendix E on a quarterly basis for the years 1952, 1953, 1954 and for the twelve-month periods ended March 31, 1955 and June 30, 1955.

The Board believes that except for cities presenting special considerations warranting permanent certification, those intermediate points which have generated less than five enplaned passengers per day should be certificated for a temporary period of three years. Certification for this period will enable the Board to assess the future traffic development at these points and to consider at a later time whether or not they should be made permanent. These cities will be afforded an opportunity before the expiration of the temporary period to demonstrate their ability to generate a sufficient volume of traffic to warrant permanent certification or continuation of service for a further temporary period.

It is also the Board's tentative conclusion that under the provisions of section 401 (e) (3) of the Act a point named in Bonanza's presently effective certificate of public convenience and necessity for route No. 105 which has never been served by Bonanza, is not eligible for inclusion as a point in any certificate that may be issued to Bonanza pursuant to said section of the Act.

Thus, the certificate which the Board proposes to issue to Bonanza pursuant to section 401 (e) (3) of the act, will carry forward Bonanza's authority to serve Gabbs, Nevada, and Oceanside, California, only for the term of its present temporary authorization. The presently effective temporary suspension of service at Oceanside is being continued by the proposed supplementary order set forth below as Appendix B.

[2] Filed as part of the original document.

The Board further believes that the general terms and conditions set forth in the certificate of public convenience and necessity last issued by the Board to Bonanza may not be expanded in a certificate to be issued pursuant to section 401 (e) (3) of the act in such manner as to grant authority to said carrier in excess of that set forth in the certificate of public convenience and necessity last issued to this carrier.

The Board does not believe that authority granted to Bonanza pursuant to § 202.4 and Part 205 of the Economic Regulations of the Board, subsequent to the issuance of the last certificate of public convenience and necessity issued by the Board to said air carrier permitting on-segment changes in the service pattern, should be incorporated in a certificate issued to Bonanza pursuant to section 401 (e) (3) of the act. In the interest of convenience and clarity the Board will restate the carrier's outstanding service pattern modifications in a single order, a draft of which is set forth below as Appendix B.

It is our intention to strictly limit this proceeding to a consideration of issues directly pertaining to the grant, pursuant to section 401 (e) (3) of the Act, of permanent or temporary authority to serve points served by Bonanza during the period from May 19, 1955 to May 31, 1955. We believe the public interest requires expeditious disposition of the proceeding and are therefore adopting a procedure intended to shorten the proceeding while at the same time fully protecting the interests of all interested persons. We are requiring Bonanza to show cause why the Board should not issue an order making final the tentative findings and conclusions set forth in this order and issue a certificate of public convenience and necessity in the form set forth below as Appendix A. After allowing interested persons a reasonable period within which to submit objections to the Board's order, Bonanza's application and the order to show cause will be set for immediate hearing in Washington before a hearing examiner of the Board. Bonanza and all interested persons who desire to be heard in connection with this matter are hereby notified that they may file written objection to the Board's tentative findings and conclusions within 15 days from the date of this order. The hearing will be limited to consideration of the issues raised by such objections. Objections should be in the nature of exceptions, should be brief and concise, and should not contain argument or factual data which the objecting party intends to rely on at the hearing in support of its objections.

It is also our intention to officially notice all reports, tariffs and schedules required to be filed with the Board by all air carriers, as well as all public Board reports based on these data,[3] so that these materials need not be specially compiled for the record in this proceeding.

[3] We will also officially notice the Origination-Destination Airline Traffic Surveys published by the Airline Finance and Accounting Conference from information compiled by the Board.

On the basis of the foregoing considerations and the data set forth in Appendixes C, D, E and F[2] hereof, which are hereby incorporated into this order and shall constitute part of the record in this proceeding, the Board finds that:

1. Bonanza is a citizen of the United States of America as defined by section 1 (13) of the Act.

2. From January 1, 1953, to May 31, 1955, Bonanza was an air carrier providing within the continental limits of the United States, local or feeder service consisting of the carriage of persons, property and mail pursuant to a temporary certificate of public convenience and necessity for route No. 105 issued by the Civil Aeronautics Board, continuously operating as such (except as to interruptions of service over which Bonanza had no control)

3. Bonanza has continuously served the following terminal and intermediate points during the period from May 19, 1955, to May 31, 1955:

Reno, Nev.	San Diego, Calif.
Hawthorne, Nev.	Santa Ana - Laguna Beach, Calif.
Tonopah, Nev.	Los Angeles, Calif.
Las Vegas, Nev.	Burbank, Calif.
Kingman, Ariz.	Blythe, Calif.
Prescott, Ariz.	Indio, Calif.
Phoenix, Ariz.	Riverside-Ontario, Calif.
Yuma, Ariz.	
El Centro, Calif.	

4. The service rendered by Bonanza during the period from January 25, 1955, the date of its last certification, to the present has been adequate and efficient within the meaning of section 401 (e) (3) of the Act.

5. The following intermediate points, which, on the basis of the most recent available data have generated an average of five or more enplaned passengers per day, should be designated as points of unlimited duration:

(a) On Bonanza's segment 1, the intermediate points Las Vegas, Nevada and Prescott, Arizona,

(b) On Segment 2, the intermediate points Yuma, Arizona and El Centro, Santa Ana-Laguna Beach, and San Diego, California,

(c) On segment 3, the intermediate point Riverside-Ontario, California.

6. On the basis of the most recent available data the following intermediate points have generated less than an average of five enplaned passengers per day, and therefore have generated insufficient traffic to warrant a finding that the public convenience and necessity requires permanent certification; but that certification of each of said points for a period of three years is warranted:

(a) On Bonanza's segment 1, the intermediate points Hawthorne and Tonopah, Nevada and Kingman, Arizona;

(b) On segment 3, the intermediate points Blythe and Indio, California.

7. The intermediate points Gabbs, Nevada, and Oceanside, California, are ineligible for certification pursuant to the terms of section 401 (e) (3) of the Act because the points were never served by Bonanza. It is, however, appropriate to include all Bonanza's effective authority in one document, so Bonanza's present authority to serve Gabbs and

Oceanside should be carried forward in the certificate to be issued in this proceeding: *Therefore, it is ordered,* That:

1. Bonanza is directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue the proposed certificate of public convenience and necessity in the form set forth below as Appendix A, and further issue the proposed supplementary order in the form attached hereto as Appendix B;

2. Bonanza and any other interested person having objection to the issuance of an order making final the tentative findings and conclusions stated herein, or to the issuance of the aforesaid proposed certificate and supplementary order, shall, within 15 days from the date hereof, file written notice of objection with the Board;

3. On the expiration of the 15-day period allowed for the filing of objections, this proceeding shall be set for immediate hearing before an examiner of this Board. The hearing shall be limited to consideration of issues raised by the objections filed;

4. Copies of this order shall be served on Bonanza, the Mayors of Gabbs, Nevada and Oceanside, California, the Mayor of each city served by Bonanza during the period May 19, 1955 to May 31, 1955, and on every certificated air carrier serving a point served by Bonanza during that period;

5. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

APPENDIX A

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR LOCAL OR FEEDER SERVICE

Bonanza Air Lines, Inc., is hereby authorized, subject to the provisions hereinafter set forth, the provisions of Title IV of the Civil Aeronautics Act of 1938, as amended, and the orders, rules and regulations issued thereunder, to engage in air transportation with respect to persons, property and mail, as follows:

1. Between the terminal point Reno, Nev., the intermediate points Hawthorne, Gabbs, Tonopah and Las Vegas, Nev., Kingman and Prescott, Ariz., and the terminal point Phoenix, Ariz.;

2. Between the terminal point Phoenix, Ariz., the intermediate points Yuma, Ariz., El Centro, San Diego, Oceanside and Santa Ana-Laguna Beach, Calif., and the co-terminal points Los Angeles and Burbank, Calif.,

3. Between the terminal point Phoenix, Ariz., the intermediate points Blythe, Indio and Riverside-Ontario, Calif., and the co-terminal points Los Angeles and Burbank, Calif.,

to be known as Route No. 105.

The service herein authorized is subject to the following terms, conditions and limitations:

(1) The holder shall render service to and from each of the points named herein, except as temporary suspensions of service may be authorized by the Board; and may begin or terminate, or begin and terminate, trips at points short of terminal points.

(2) The holder may continue to serve regularly any point named herein through the airport last regularly used by the holder to serve such point prior to the effective date of this certificate. Upon compliance with such procedure relating thereto as may be prescribed by the Board, the holder may, in addition to the service hereinabove expressly prescribed, regularly serve a point named herein through any airport convenient thereto.

(3) On each trip operated by the holder over all or part of segments 2 and 3 of the three route segments in this certificate, the holder shall stop at each point named between the point of origin and point of termination of such trip on such segment, except a point or points with respect to which (1) the Board, pursuant to such procedure as the Board may from time to time prescribe, may by order relieve the holder from the requirements of such condition, (2) the holder is authorized by the Board to suspend service, or (3) the holder is unable to render service on such trip because of adverse weather conditions or other conditions which the holder could not reasonably have been expected to foresee or control.

(4) Each trip scheduled between the co-terminal points Los Angeles and Burbank, Calif., on the one hand, and the intermediate point San Diego, Calif., on the other shall originate or terminate at Phoenix, Ariz.

The exercise of the privileges granted by this certificate shall be subject to such other reasonable terms, conditions and limitations required by the public interest as may from time to time be prescribed by the Board.

The services authorized by this certificate were originally established pursuant to a determination of policy by the Civil Aeronautics Board that in the discharge of its obligation to encourage and develop air transportation under the Civil Aeronautics Act, as amended, it is in the public interest to establish certain air carriers who will be primarily engaged in short-haul air transportation as distinguished from the service rendered by trunkline air carriers. In accepting this certificate the holder acknowledges and agrees that the primary purpose of this certificate is to authorize and require it to offer short-haul, local or feeder, air transportation service of the character described above.

This certificate shall be effective on ------, 1955; *Provided, however,* That prior to the date on which the certificate would otherwise become effective the Board, either on its own initiative or upon the timely filing of a petition or petitions seeking reconsideration of the Board's order of ----------, 1955, (Order E-__) insofar as such order authorizes the issuance of this certificate may by order or orders extend such effective date from time to time.

The authority of the holder to serve Gabbs, Nev., shall terminate March 26, 1956. The authority of the holder to serve Oceanside, Calif., shall continue in effect up to and including December 31, 1957. The authority of the holder to serve Kingman, Ariz., Blythe and Indio, Calif. and Hawthorne and Tonopah, Nev., shall continue in effect up to and including ----------.

In witness whereof, the Civil Aeronautics Board has caused this certificate to be executed by its Chairman, and the seal of the Board to be affixed hereto, attested by the Secretary of the Board, on the -------- day of ----------, 1955.

[SEAL] ROSS RIZLEY,
Chairman.

Attest:

----------,
Secretary.

APPENDIX B

PROPOSED DRAFT OF ORDER EXTENDING EFFECTIVE PERIOD OF TEMPORARY SERVICE AUTHORIZATIONS

The Board has by Order E-____, dated ---------- 1955, granted a certificate of public convenience and necessity of unlimited duration to Bonanza Air Lines, Inc. (Bonanza) authorizing Bonanza to engage in air transportation of persons, property and mail over route No. 105. In the past, Bonanza has been authorized to conduct operations differing in certain particulars from the authority stated in its temporary certificate of public convenience and necessity for route No. 105.

The term of effectiveness of these authorizations is unlimited. The reasons for issuance of these temporary authorizations appear to be still applicable to Bonanza in its operation under the certificate of unlimited duration concurrently issued herewith. It, therefore, appears to the Board that it is in the public interest and consistent with the Act to continue these outstanding temporary authorizations in effect for an additional period of time. In extending these authorizations, it appears desirable to include all currently effective authorizations which are not included in or disposed of in the new certificate in one order which will become effective at the same time the new certificate of unlimited duration becomes effective.

Accordingly, The Board, acting pursuant to sections 205 (a) of the Civil Aeronautics Act of 1938, as amended, and to § 202.4 and Part 205 of its Economic Regulations, finds:

1. That the enforcement of the condition in Bonanza's certificate which requires it on each flight over all or part of the several numbered route segments on route No. 105 to stop at each point named between the point of origin and the point of termination of such flight unless otherwise authorized by the Board, to the extent that it would prevent the service pattern hereinafter authorized, would prevent a service pattern which is in the public interest and which is consistent with Bonanza's performance of a local or feeder air transportation service and is not required by nor is it in the public interest;

2. That the temporary suspensions of service authorized hereinafter do not substantially change the character of the service for which the certificate of public convenience and necessity of unlimited duration is being granted to Bonanza and are otherwise in the public interest;

Accordingly, it is ordered, That:

1. Bonanza be and hereby is authorized to suspend service temporarily at Oceanside, California, an intermediate point on segment 2 of its route No. 105 until such time as adequate airport facilities at Oceanside, California, are available for use by Bonanza in its scheduled air carrier operations (previously authorized by Order E-6614);

2. Bonanza be and hereby is authorized to omit service to any point or points on trips scheduled over all or part of segment 1 (previously authorized by Order E-3597);

3. The authority previously granted to Bonanza by Orders E-3597 and E-6614 shall be terminated on the date this order and the certificate of public convenience and necessity of unlimited duration for route No. 105 being issued to Bonanza concurrently with the issuance of this order become effective.

4. The change in service pattern and temporary suspension authorizations granted herein shall become effective, ----------, concurrently with the effective date of the certificate issued to Bonanza in Docket No. 7189;

5. This order or any part thereof may be amended or revoked at any time in the discretion of the Board without notice and without hearing.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-8354; Filed, Oct. 13, 1955; 8:45 a. m.]

[Docket No. 7338; Order E-9631]

SOUTHERN AIRWAYS, INC.

STATEMENT OF TENTATIVE FINDINGS AND CONCLUSIONS AND ORDER TO SHOW CAUSE [1]

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 7th day of October 1955.

In the matter of the application of Southern Airways, Inc., under section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration for Route No. 98.

Southern Airways, Inc. (Southern) on August 2, 1955, filed an application pursuant to section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended (the Act) requesting the Board to issue Southern a certificate of public convenience and necessity of unlimited duration for Route No. 98 authorizing air transportation of persons, property and mail between certain named points.

Section 401.(e) (3) of the Act (effective May 19, 1955) provides: "If any applicant who makes application for a certificate within one hundred and twenty days after the date of enactment of this paragraph shall show that, from January 1, 1953, to the date of its application, it or its predecessor in interest, was an air carrier furnishing, within the continental limits of the United States, local or feeder service consisting of the carriage of persons, property, and mail, under a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board, continuously operating as such (except as to interruptions of service over which the applicant or its predecessors in interest have no control) the Board, upon proof of such fact only, shall, unless the service rendered by such applicant during the period since its last certification has been inadequate and inefficient, issue a certificate or certificates of unlimited duration, authorizing such applicant to engage in air transportation between the terminal and intermediate points within the continental limits of the United States between which it, or its predecessor, so continuously operated between the date of enactment of this paragraph and the date of its application: *Provided*, That the Board in issuing the certificate is empowered to limit the duration of the certificate as to not over one-half of the intermediate points named therein, which points it finds have generated insufficient traffic to warrant a finding that the public convenience and necessity requires permanent certification at such time."

Southern alleges in its application that it is a citizen of the United States of America as defined by section 1 (13) of the Act. Proof of this fact has been submitted by Southern in other certification proceedings and no information to the contrary has since come to the knowledge of the Board.

Southern further alleges in its application that it has continuously operated as an air carrier furnishing local or feeder air transportation of persons, property and mail within the continental limits of the United States during the period January 1, 1953, to the date of its application under a temporary certificate of public convenience and necessity for route No. 98 issued by the Board, except as to interruptions of service over which it had no control. The various schedules and reports required to be filed with the Board by local service carriers indicate that Southern has so continuously operated since January 1, 1953.

Section 401 (e) (3) of the Act requires in effect that the Board find as a prerequisite to the granting of a certificate of unlimited duration to Southern that the service rendered by Southern during the period since its last certification has not been inadequate or inefficient. The carrier in its application for such certificate filed August 2, 1955, alleges its service rendered during the aforesaid period has been adequate and efficient. The Board during the said period has received no complaints from the public relating to the overall service provided by this carrier. The Board is possessed of no information from which it could find that, considered as a whole, the service provided by this carrier during the period from April 14, 1953, the date of Southern's last certificate for route No. 98, to the present has been inadequate or inefficient within the meaning of section 401 (e) (3) of the Act.

Southern further alleges in its application that it has from the date of the enactment of section 401 (e) (3) (May 19, 1955) to the date of its application, continuously served the following terminal and intermediate points:

Memphis, Tenn.	Moultrie, Ga.
Tupelo, Miss.	Valdosta, Ga.
Columbus, Miss.	Jacksonville, Fla.
Tuscaloosa, Ala.	Greenville, Miss.
Birmingham, Ala.	Monroe, La.
Gadsden, Ala.	Vicksburg, Miss.
Atlanta, Ga.	Jackson, Miss.
Athens, Ga.	Natchez, Miss.
Greenwood, S. C.	Baton Rouge, La.
Greenville, S. C.	New Orleans, La.
Spartanburg, S. C.	Laurel, Miss.
Charlotte, N. C.	Gulfport-Biloxi, Miss
Columbus, Ga.	Mobile, Ala.
Albany, Ga.	

Section 401 (e) (3) provides in effect that all terminal points served by the local service carrier applicant during the period from May 19, 1955 to August 2, 1955 shall be certificated for a period of unlimited duration. The certificate we propose to issue to Southern (which is set forth below as Appendix A) accomplishes this.

Section 401 (e) (3) empowers the Board to limit the duration of the certificate as to not over one-half of the intermediate points named therein, which points the Board finds have generated insufficient traffic to warrant a finding that the public convenience and necessity require permanent certification. The Board has proposed an industry-wide traffic standard upon which to base a tentative conclusion as to whether a particular intermediate point should be permanently or temporarily certificated. A standard which can be applied on an industry-wide basis will assure that all the intermediate cities are equitably treated. The Board has concluded, on the basis of an analysis of the latest available traffic data, that an average of five or more passengers enplaned per day provides a reasonable basis for selection of those intermediate points to be permanently certificated at this time.

As indicated above, the recent amendment of the Act provides for the certification for an unlimited duration of all terminal points and of at least one-half of the intermediate points named in the certificate. This means that in the future the applicant carrier will be providing services over permanently certificated segments. During the years of local service carrier experience, the Board, in consideration of the subsidized nature of the operation, has found that on-line intermediate points generating in the neighborhood of 300 passengers on and off monthly have borne a reasonable share of the expense incurred by the carrier in providing service to the intermediate point on existing flights. In the past, the Board has also found that local service carrier points generating in the neighborhood of five or more enplaned passengers per day have warranted recertification. This leads us to conclude that in the absence of a further showing, the five passenger per day standard is a reasonable one for selecting those intermediate points to be permanently certificated.

The proposed certificate which is set forth below as Appendix A grants Southern permanent authority at those intermediate stations shown in Appendixes C, D and E [2] to have met this five-passenger per day standard and temporary authority at all other intermediate stations served by Southern during the period May 19, 1955, to August 2, 1955. Appendixes C and D set forth in tabular form, the average number of daily passengers enplaned at each Southern intermediate point for the calendar year 1954 and for the twelve month periods ended March 31, 1955, and June 30, 1955. The average number of passengers enplaned at intermediate points generating less than five passengers per day is set forth in Appendix E on a quarterly basis for the years 1952, 1953, 1954 and for the twelve month periods ended March 31, 1955 and June 30, 1955.

The Board believes that except for cities presenting special considerations warranting permanent certification, those intermediate points which have generated less than five enplaned passengers per day should be certificated for a temporary period of three years. Certification for this period will enable the Board to assess the future traffic development at these points and to consider at a later time whether or not they should be made permanent. These cities will be afforded an opportunity before the expiration of the temporary period to demonstrate their ability to generate a sufficient volume of traffic to warrant permanent certification or continuation of service for a further temporary period.

[1] This statement does not necessarily represent the views of all Members of the Board with respect to all issues.

[2] Filed as part of the original document.

The Board further believes that a point named in the last certificate issued to the carrier as a point on more than one designated segment in the certificate, but as to which point, pursuant to section 205 of the Board's Economic Regulations, a temporary suspension of service has been granted to the carrier and which point has been served on only one segment because of the authorized temporary suspension of service on the other segment, is eligible to be certificated pursuant to the provisions of section 401 (e) (3) of the act only as a point on the segment where the point was served during the period from May 19, 1955, to August 2, 1955.

Thus, the certificate which the Board proposes to issue to Southern pursuant to section 401 (e) (3) of the act will carry forward Southern's authority to serve the terminal point Columbus, Mississippi, on segment 4 only for the term of its present temporary authorization. The presently effective temporary suspension of service at Columbus on segment 4 will be continued by the proposed supplementary order set forth below as Appendix B.

The Board further tentatively concludes that a point which has been authorized for service, has received service from the carrier, but which was not served during the statutory grandfather period because service had been temporarily suspended for economic reasons, is not eligible for certification pursuant to section 401 (e) (3) of the act. Such a point is ineligible because it was not served during the statutory grandfather period for economic reasons advanced and supported by the carrier.

Thus, the certificate which the Board proposes to issue to Southern in this proceeding will carry forward Southern's authority to serve Clarksdale, Mississippi and La Grange, Georgia only for the term of its present temporary authority. The presently effective temporary suspension of service at these points is being continued by the proposed supplementary order set forth below as Appendix B.

The Board further believes that the general terms and conditions set forth in the certificate of public convenience and necessity last issued by the Board to Southern may not be expanded in a certificate to be issued pursuant to section 401 (e) (3) of the Act in such manner as to grant authority to said carrier in excess of that set forth in the certificate of public convenience and necessity last issued to this carrier.

The Board does not believe that authority granted to Southern pursuant to § 202.4 and Part 205 of the Economic Regulations of the Board, subsequent to the issuance of the last certificate of public convenience and necessity issued by the Board to said air carrier permitting on-segment changes in the service pattern, should be incorporated in a certificate issued to Southern pursuant to section 401 (e) (3) of the Act. In the interest of convenience and clarity the Board will restate the carrier's outstanding service pattern modifications in a single order, a draft of which is set forth below as Appendix B.

It is our intention to strictly limit this proceeding to a consideration of issues directly pertaining to the grant, pursuant to section 401 (e) (3) of the Act, of permanent or temporary authority to serve points served by Southern during the period from May 19, 1955, to August 2, 1955. We believe the public interest requires expeditious disposition of the proceeding and are therefore adopting a procedure intended to shorten the proceeding while at the same time fully protecting the interests of all interested persons. We are requiring Southern to show cause why the Board should not issue an order making final the tentative findings and conclusions set forth in this order and issue a certificate of public convenience and necessity in the form set forth below as Appendix A. After allowing interested persons a reasonable period within which to submit objections to the Board's order, Southern's application and the order to show cause will be set for immediate hearing in Washington before a hearing examiner of the Board. Southern and all interested persons who desire to be heard in connection with this matter are hereby notified that they may file written objection to the Board's tentative findings and conclusions within 15 days from the date of this order. The hearing will be limited to consideration of the issues raised by such objections. Objections should be in the nature of exceptions, should be brief and concise, and should not contain argument or factual data which the objecting party intends to rely on at the hearing in support of its objections.

It is also our intention to officially notice all reports, tariffs and schedules required to be filed with the Board by all air carriers, as well as all public Board reports based on these data,[3] so that these materials need not be specially compiled for the record in this proceeding.

On the basis of the foregoing considerations and the data set forth in Appendixes C, D, E and F[2] hereof, which are hereby incorporated into this order and shall constitute part of the record in this proceeding, the Board finds that:

1. Southern is a citizen of the United States of America as defined by section 1 (13) of the Act.

2. From January 1, 1953, to August 2, 1955, Southern was an air carrier providing within the continental limits of the United States, local or feeder service consisting of the carriage of persons, property and mail pursuant to a temporary certificate of public convenience and necessity for route No. 98 issued by the Civil Aeronautics Board, continuously operating as such (except as to interruptions of service over which Southern had no control)

3. Southern has continuously served the following terminal and intermediate points during the period from May 19, 1955, to August 2, 1955:

Memphis, Tenn.	Moultrie, Ga.
Tupelo, Miss.	Valdosta, Ga.
Columbus, Miss.	Jacksonville, Fla.
Tuscaloosa, Ala.	Greenville, Miss.
Birmingham, Ala.	Monroe, La.
Gadsden, Ala.	Vicksburg, Miss.
Atlanta, Ga.	Jackson, Miss.
Athens, Ga.	Natchez, Miss.
Greenwood, S. C.	Baton Rouge, La.
Greenville, S. C.	New Orleans, La.
Spartanburg, S. C.	Laurel, Miss.
Charlotte, N. C.	Gulfport-Biloxi, Miss.
Columbus, Ga.	
Albany, Ga.	Mobile, Ala.

4. The service rendered by Southern during the period from April 14, 1953, the date of its last certification, to the present has been adequate and efficient within the meaning of section 401 (e) (3) of the Act.

5. The following points, which on the basis of the most recent available data have generated an average of five or more enplaned passengers per day, should be designated as points of unlimited duration:

(a) On Southern's segment 1, the intermediate points Tupelo and Columbus, Miss., Tuscaloosa, Birmingham and Gadsden, Ala., Atlanta and Athens, Ga., and Greenville, S. C.,

(b) On segment 2, the intermediate points Columbus, Albany, Moultrie and Valdosta, Ga.,

(c) On segment 3, the intermediate points Greenville, Miss., Monroe, La., Vicksburg, Jackson and Natchez, Miss. and Baton Rouge, La.,

(d) On segment 4, the intermediate points Jackson and Gulfport-Biloxi, Miss.

6. On the basis of the most recent available data the following intermediate points have generated less than an average of five enplaned passengers per day, and therefore have generated insufficient traffic to warrant a finding that the public convenience and necessity requires permanent certification; but that certification of each of said points for a period of three years is warranted:

(a) On Southern's segment 1, the intermediate points Greenwood and Spartanburg, S. C.,

(b) On segment 4, the intermediate point Laurel, Miss.

7. The points Clarksdale, Miss., La Grange, Ga., and Columbus, Miss. on segment 4, are ineligible for certification pursuant to section 401 (e) (3) of the Act since they were not served by Southern during the period May 19, 1955 to August 2, 1955 because service was temporarily suspended for reasons within the carrier's control. It is, however, appropriate to include all Southern's effective certificate authority in one document, so Southern's present authority to serve Clarksdale, Miss., La Grange, Ga., and Columbus, Miss. on segment 4, should be carried forward in the certificate to be issued in this proceeding: *Therefore it is ordered,* That:

1. Southern is directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue the proposed certificate of public convenience and necessity in the form set forth below as Appendix A, and further issue the pro-

[3] We will also officially notice the Origination-Destination Airline Traffic Surveys published by the Airline Finance and Accounting Conference from information compiled by the Board.

posed supplementary order in the form set forth below as Appendix B.

2. Southern and any other interested person having objection to the issuance of an order making final the tentative findings and conclusions stated herein, or to the issuance of the aforesaid proposed certificate and supplementary order, shall, within 15 days from the date hereof, file written notice of objection with the Board.

3. On the expiration of the 15-day period allowed for the filing of objections, this proceeding shall be set for immediate hearing before an examiner of this Board. The hearing shall be limited to consideration of issues raised by the objections filed.

4. Copies of this order shall be served on Southern, the Mayors of La Grange, Ga. and Clarksdale, Miss., the Mayor of each city served by Southern during the period May 19, 1955 to August 2, 1955, and on every certificated air carrier serving a point served by Southern during that period.

5. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

APPENDIX A

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR LOCAL OR FEEDER SERVICE

Southern Airways, Inc., is hereby authorized, subject to the provisions hereinafter set forth, the provisions of Title IV of the Civil Aeronautics Act of 1938, as amended, and the orders, rules, and regulations issued thereunder, to engage in air transportation with respect to persons, property, and mail, as follows:

1. Between the terminal point Memphis, Tenn., the intermediate points Tupelo and Columbus, Miss., Tuscaloosa, Birmingham and Gadsden, Ala., Atlanta and Athens, Ga., Greenwood, Greenville and Spartanburg, S. C., and the terminal point Charlotte, N. C.,

2. Between the terminal point Atlanta, Ga., the intermediate points La Grange, Columbus, Albany, Moultrie and Valdosta, Ga., and the terminal point Jacksonville, Fla.,

3. Between the terminal point Memphis, Tenn., the intermediate points Clarksdale and Greenville, Miss., Monroe, La., Vicksburg, Jackson and Natchez, Miss., Baton Rouge, La., and the terminal point New Orleans, La.,

4. Between the terminal point Columbus, Miss., the intermediate points Jackson, Laurel, and Gulfport-Biloxi, Miss., and the terminal point Mobile, Ala.

to be known as Route No. 98.

The service herein authorized is subject to the following terms, conditions, and limitations:

(1) The holder shall render service to and from each of the points named herein, except as temporary suspensions of service may be authorized by the Board; and may begin or terminate, or begin and terminate, trips at points short of terminal points.

(2) The holder may continue to serve regularly any point named herein through the airport last regularly used by the holder to serve such point prior to the effective date of this certificate. Upon compliance with such procedure relating thereto as may be prescribed by the Board, the holder may, in addition to the service hereinabove expressly prescribed, regularly serve a point named herein through any airport convenient thereto.

(3) On each trip operated by the holder over all or part of one of the four numbered route segments in this certificate, the holder shall stop at each point named between the point of origin and point of termination of such trip on such segment, except a point or points with respect to which (a) the Board, pursuant to such procedure as the Board may from time to time prescribe, may by order relieve the holder from the requirements of such condition, (b) the holder is authorized by the Board to suspend service, or (c) the holder is unable to render service on such trip because of adverse weather conditions or other conditions which the holder could not reasonably have been expected to foresee or control.

(4) Notwithstanding the provisions of paragraph (3) above, the holder, on each trip scheduled over all or part of segment 3, may omit a point or points on such segment, subject to the following conditions:

(a) On each trip on which service is scheduled between Memphis and Jackson, the holder shall schedule, between such points, service to a minimum of two intermediate points on such segment,

(b) On each trip on which service is scheduled between Jackson and New Orleans, the holder shall schedule, between such points, service to a minimum of two intermediate points on such segment, and

(c) On each trip on which service is scheduled between Memphis and New Orleans, the holder shall schedule service to a minimum of three intermediate points on such segment, except that if Jackson is scheduled for service on such trip, the holder shall comply with conditions (a) and (b) above.

The exercise of the privileges granted by this certificate shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

The services authorized by this certificate were originally established pursuant to a determination of policy by the Civil Aeronautics Board that in the discharge of its obligation to encourage and develop air transportation under the Civil Aeronautics Act, as amended, it is in the public interest to establish certain air carriers who will be primarily engaged in short-haul air transportation as distinguished from the service rendered by trunkline air carriers. In accepting this certificate the holder acknowledges and agrees that the primary purpose of this certificate is to authorize and require it to offer short-haul, local or feeder, air transportation service of the character described above.

This certificate shall be effective on _____, 1955: *Provided, however* That prior to the date on which the certificate would otherwise become effective the Board, either on its own initiative or upon the timely filing of a petition or petitions seeking reconsideration of the Board's order of _____, 1955, (Order E-_____) insofar as such order authorizes the issuance of this certificate may by order or orders extend such effective date from time to time. The authorization to serve Greenwood and Spartanburg, S. C. and Laurel, Miss. shall continue in effect up to and including _____. The authorization to serve Columbus, Miss., on segment 4, Clarksdale, Miss. and La Grange, Ga. shall continue in effect up to and including December 31, 1956.

In witness whereof, the Civil Aeronautics Board has caused this certificate to be executed by its Chairman, and the seal of the Board to be affixed hereto, attested by the Secretary of the Board, on the _____ day of _____, 1955.

[SEAL] ROSS RIZLEY,
Chairman.

Attest:

_____
Secretary.

APPENDIX B

PROPOSED DRAFT OF ORDER EXTENDING EFFECTIVE PERIOD OF TEMPORARY SERVICE AUTHORIZATIONS

The Board has by Order E-_____, dated _____, 1955, granted a certificate of public convenience and necessity of unlimited duration to Southern Airways, Inc, (Southern) authorizing Southern to engage in air transportation of persons, property and mail over route No. 98. In the past, Southern has been authorized to conduct operations differing in certain particulars from the authority stated in its temporary certificate of public convenience and necessity for route No. 98.

The term of effectiveness of some of these authorizations is unlimited, while others would expire sixty days after final determination by the Board in any proceeding involving renewal of route No. 98. The reasons for issuance of these temporary authorizations appear to be still applicable to Southern in its operation under the certificate of unlimited duration concurrently issued herewith. It, therefore, appears to the Board that it is in the public interest and consistent with the Act to continue these outstanding temporary authorizations in effect for an additional period of time. In extending these authorizations, it appears desirable to include all currently effective authorizations which are not included in or disposed of in the new certificate in one order which will become effective at the same time the new certificate of unlimited duration becomes effective.

Accordingly, the Board, acting pursuant to sections 205 (a) of the Civil Aeronautics Act of 1938, as amended, and to § 202.4 and Part 205 of its Economic Regulations, finds:

1. That the enforcement of the condition in Southern's certificate which requires it on each flight over all or part of the several numbered route segments on route No. 98 to stop at each point named between the point of origin and the point of termination of such flight unless otherwise authorized by the Board, to the extent that it would prevent the service pattern hereinafter authorized, would prevent a service pattern which is in the public interest and which is consistent with Southern's performance of a local or feeder air transportation service and is not required by nor is it in the public interest;

2. That the temporary suspensions of service authorized hereinafter do not substantially change the character of the service for which the certificate of public convenience and necessity of unlimited duration is being granted to Southern and are otherwise in the public interest: *Accordingly, it is ordered,* That:

1. Southern be and hereby is authorized to suspend service at Clarksdale, Mississippi, an intermediate point on segment 3 of its route No. 98 (previously authorized by Order E-7975);

2. Southern be and hereby is authorized temporarily to suspend service at La Grange, Georgia, an intermediate point on segment 2 of its route No. 98 (previously authorized by Order E-8178);

3. Southern be and hereby is authorized to temporarily suspend service at Columbus, Mississippi, as a terminal point on segment 4 of route No. 98 (previously authorized by Order E-8772);

4. Southern be and hereby is authorized to omit service to La Grange, Ga., and Greenwood, S. C., on flights in excess of two daily round trips (previously authorized by Order E-6929);

5. Southern be and hereby is authorized to omit service at Gulfport-Biloxi, Mississippi, an intermediate point on segment 4 of route No. 98, on one scheduled flight daily (previously authorized by Order E-8733);

6. Southern be and hereby is authorized to render flag-stop service on its route No. 98

by omitting the physical landing of its aircraft at any intermediate point scheduled to be served on a particular flight: *Provided*, That there are no persons, property, or mail on the aircraft destined for such point and no such traffic available at such point for the flight at the scheduled time of departure: *Provided, further*, That the Board in its discretion may at any time disapprove the use of such authority with respect to service to any point on any flight or flights (previously authorized by Orders E-5592 and E-6139);

7. The authority previously granted to Southern by Orders E-5592 and E-6139 insofar as they pertain to Southern, E-6929, E-7975, E-8178, E-8733 and E-8772, shall be terminated on the date this order and the certificate of public convenience and necessity of unlimited duration for route No. 93 being issued to Southern concurrently with the issuance of this order become effective;

8. The change in service pattern and temporary suspension authorizations granted herein shall become effective _____, _____, concurrently with the effective date of the certificate issued to Southern in Docket No. 7338;

9. This order or any part thereof may be amended or revoked at any time in the discretion of the Board without notice and without hearing.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 55-8355; Filed, Oct. 13, 1955; 8:45 a. m.]

[Docket No. 7178; Order E-9637]

CENTRAL AIRLINES, INC.

STATEMENT OF TENTATIVE FINDINGS AND CONCLUSIONS AND ORDER TO SHOW CAUSE[1]

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 7th day of October 1955.

In the matter of the application of Central Airlines, Inc., under section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration for Route No. 81.

Central Airlines, Inc. (Central) on May 25, 1955, filed an application pursuant to section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended (the act) requesting the Board to issue Central a certificate of public convenience and necessity of unlimited duration for route No. 81 authorizing air transportation of persons, property and mail between certain named points.

Section 401 (e) (3) of the act (effective May 19, 1955) provides: "If any applicant who makes application for a certificate within one hundred and twenty days after the date of enactment of this paragraph shall show that, from January 1, 1953, to the date of its application, it or its predecessor in interest, was an air carrier furnishing, within the continental limits of the United States, local or feeder service consisting of the carriage of persons, property, and mail, under a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board, continuously operating as such (except as to interruptions of service over which the applicant or its predecessors in interest have no control) the Board, upon proof of such fact only, shall, unless the service rendered by such applicant during the period since its last certification has been inadequate and inefficient, issue a certificate or certificates of unlimited duration, authorizing such applicant to engage in air transportation between the terminal and intermediate points within the continental limits of the United States between which it, or its predecessor, so continuously operated between the date of enactment of this paragraph and the date of its application: *Provided*, That the Board in issuing the certificate is empowered to limit the duration of the certificate as to not over one-half of the intermediate points named therein, which points it finds have generated insufficient traffic to warrant a finding that the public convenience and necessity requires permanent certification at such time."

Central alleges in its application that it is a citizen of the United States of America as defined by section 1 (13) of the act. Proof of this fact has been submitted by Central in other certification proceedings and no information to the contrary has since come to the knowledge of the Board.

Central further alleges in its application that it has continuously operated as an air carrier furnishing local or feeder air transportation of persons, property and mail within the continental limits of the United States during the period January 1, 1953, to the date of its application under a temporary certificate of public convenience and necessity for route No. 81 issued by the Board, except as to interruptions of service over which it had no control. The various schedules and reports required to be filed with the Board by local service carriers indicate that Central has so continuously operated since January 1, 1953.

Section 401 (e) (3) of the act requires in effect that the Board find as a prerequisite to the granting of a certificate of unlimited duration to Central that the service rendered by Central during the period since its last certification has not been inadequate or inefficient. The Board during the said period has received no complaints from the public relating to the overall service provided by this carrier. The Board is possessed of no information from which it could find that, considered as a whole, the service provided by this carrier during the period from February 19, 1953, the date of Central's last certificate, to the present has been inadequate or inefficient within the meaning of section 401 (e) (3) of the act.

Central further alleges in its application that it has from the date of the enactment of section 401 (e) (3) (May 19, 1955) to the date of its application, continuously served the following terminal and intermediate points:

Amarillo, Tex.	Ada, Okla.
Borger, Tex.	Ardmore, Okla.
Woodward, Okla.	Stillwater, Okla.
Enid, Okla.	Lawton-Fort Sill, Okla.
Ponca City, Okla.	Duncan, Okla.
Bartlesville, Okla.	Fayetteville, Ark.
Tulsa, Okla.	Fort Smith, Ark.
Muskogee, Okla.	Hot Springs, Ark.
McAlester, Okla.	Little Rock, Ark.
Dallas, Tex.	Kansas City, Mo.
Fort Worth, Tex.	Joplin, Mo.
Paris, Tex.	
Wichita, Kans.	
Oklahoma City, Okla.	

Section 401 (e) (3) provides in effect that all terminal points served by the local service carrier applicant during the period from May 19, 1955, to May 25, 1955, shall be certificated for a period of unlimited duration. The certificate we propose to issue to Central (set forth below as Appendix A) accomplishes this.

Section 401 (e) (3) empowers the Board to limit the duration of the certificate as to not over one-half of the intermediate points named therein, which points the Board finds have generated insufficient traffic to warrant a finding that the public convenience and necessity require permanent certification. The Board has proposed an industry-wide traffic standard upon which to base a tentative conclusion as to whether a particular intermediate point should be permanently or temporarily certificated. A standard which can be applied on an industry-wide basis will assure that all the intermediate cities are equitably treated. The Board has concluded, on the basis of an analysis of the latest available traffic data, that an average of five or more passengers enplaned per day provides a reasonable basis for selection of those intermediate points to be permanently certificated at this time.

As indicated above, the recent amendment of the Act provides for the certification for an unlimited duration of all terminal points and of at least one-half of the intermediate points named in the certificate. This means that in the future the applicant carrier will be providing service over permanently certificated segments. During the years of local service carrier experience, the Board, in consideration of the subsidized nature of the operation, has found that on-line intermediate points generating in the neighborhood of 300 passengers on and off monthly have borne a reasonable share of the expense incurred by the carrier in providing service to the intermediate point on existing flights. In the past, the Board has also found that local service carrier points generating in the neighborhood of five or more enplaned passengers per day have warranted re-certification. This leads us to conclude that in the absence of a further showing, the five passenger per day standard is a reasonable one for selecting those intermediate points to be permanently certificated.

The proposed certificate which is set forth below as Appendix A grants Central permanent authority at those intermediate stations shown in Appendixes C, D and E to have met this five-passenger per day standard and temporary author-

[1] This statement does not necessarily represent the views of all Members of the Board with respect to all issues.

ity at all other intermediate stations served by Central during the period May 19, 1955, to May 25, 1955. Appendixes C and D set forth in tabular form, the average number of daily passengers enplaned at each Central intermediate point for the calendar year 1954 and for the twelve month periods ended March 31, 1955, and June 30, 1955. The average number of passengers enplaned at intermediate points generating less than five passengers per day is set forth in Appendix E [2] on a quarterly basis for the years 1952, 1953, 1954, and for the twelve month periods ended March 31, 1955, and June 30, 1955.

The Board believes that except for cities presenting special considerations warranting permanent certification, those intermediate points which have generated less than five enplaned passengers per day should be certificated for a temporary period of three years. Certification for this period will enable the Board to assess the future traffic development at these points and to consider at a later time whether or not they should be made permanent. These cities will be afforded an opportunity before the expiration of the temporary period to demonstrate their ability to generate a sufficient volume of traffic to warrant permanent certification or continuation of service for a further temporary period.

The Board further believes that a point named in the last certificate issued to the carrier as a point on more than one designated segment in the certificate, but as to which point, pursuant to section 205 of the Board's Economic Regulations, a temporary suspension of service has been granted to the carrier and which point has been served on only one segment because of the authorized temporary suspension of service on the other segment, is eligible to be certificated pursuant to the provisions of section 401 (e) (3) of the act only as a point on the segment where the point was served during the period from May 19, 1955, to May 25, 1955.

Thus, this order will provide that Central will be required to show cause why Paris, Texas, should not be certificated as a point on segment 7 only.

The Board further tentatively concludes that where since the last certificate issued to this carrier the Board has authorized Central, by exemption, to provide service to additional points on a segment or to provide service between points named in such certificate on segments different from that designated in the certificate, the said points are eligible to be certificated pursuant to section 401 (e) (3) of the act as served by the carrier pursuant to such exemptions during the period from May 19, 1955, to May 25, 1955.

Thus, the Board proposes to require the carrier to show cause why the service between the points Ada and Tulsa, Oklahoma, should not be certificated in the manner service was performed during the period from May 19, 1955, to May 25, 1955, and why on segment 7 Dallas, Texas, should not be certificated as an intermediate point and Fort Worth, Texas, as a terminal point, in lieu of the present certificate designation providing for service to the terminal point Dallas-Fort Worth, Texas, through the Amon Carter Airfield.

The Board further concludes that a point which has been authorized for service, has received service from the carrier, but where service has been interrupted and temporarily suspended because of inadequate airport facilities, is eligible for certification pursuant to section 401 (e) (3) of the act even though no service was rendered during the statutory grandfather period, because it is a point at which service has been interrupted for reasons over which the carrier had no control.

Thus, the certificate which the Board proposes to issue to Central pursuant to section 401 (e) (3) of the act, provides for the certification for a period of three years of the intermediate point Sherman-Denison, Texas. The presently effective temporary suspension of service at this point is being continued by the proposed supplementary order set forth below as Appendix B.

The Board further tentatively concludes that a point which has been authorized for service, has received service from the carrier, but which was not served during the statutory grandfather period because service had been temporarily suspended for economic reasons, is not eligible for certification pursuant to section 401 (e) (3) of the act. Such a point is ineligible because it was not served during the statutory grandfather period for economic reasons advanced and supported by the carrier.

Thus, the certificate which the Board proposes to issue to Central in this proceeding will carry forward Central's authority to serve Shawnee and Chickasha, Oklahoma, and Paris, Texas, on segment 2 only for the term of its present temporary authorization.

The Board further believes that the general terms and conditions set forth in the certificate of public convenience and necessity last issued by the Board to Central may not be expanded in a certificate to be issued pursuant to section 401 (e) (3) of the act in such manner as to grant authority to said carrier in excess of that set forth in the certificate of public convenience and necessity last issued to this carrier.

The Board does not believe that authority granted to Central pursuant to § 202.4 and Part 205 of the Economic Regulations of the Board or by temporary exemption, subsequent to the issuance of the last certificate of public convenience and necessity issued by the Board to said air carrier permitting on-segment changes in the service pattern should be incorporated in a certificate issued to Central pursuant to section 401 (e) (3) of the act. In the interest of convenience and clarity the Board will restate the carrier's outstanding service pattern modifications in a single order, a draft of which is set forth below as Appendix B.

It is our intention to strictly limit this proceeding to a consideration of issues directly pertaining to the grant, pursuant to section 401 (e) (3) of the act, of permanent or temporary authority to serve points served by Central during the period from May 19, 1955, to May 25, 1955. We believe the public interest requires expeditious disposition of the proceeding and are therefore adopting a procedure intended to shorten the proceeding while at the same time fully protecting the interests of all interested persons. We are requiring Central to show cause why the Board should not issue an order making final the tentative findings and conclusions set forth in this order and issue a certificate of public convenience and necessity in the form set forth below as Appendix A. After allowing interested persons a reasonable period within which to submit objections to the Board's order, Central's application and the order to show cause will be set for immediate hearing in Washington before a hearing examiner of the Board. Central and all interested persons who desire to be heard in connection with this matter are hereby notified that they may file written objection to the Board's tentative findings and conclusions within 15 days from the date of this order. The hearing will be limited to consideration of the issues raised by such objections. Objections should be in the nature of exceptions, should be brief and concise, and should not contain argument or factual data which the objecting party intends to rely on at the hearing in support of its objections.

It is also our intention to officially notice all reports, tariffs and schedules required to be filed with the board by all air carriers, as well as all public Board reports based on these data,[3] so that these materials need not be specially compiled for the record in this proceeding.

On the basis of the foregoing considerations and the data set forth in Appendixes C, D, E and F [2] hereof, which are hereby incorporated into this order and shall constitute part of the record in this proceeding, the Board finds that:

1. Central is a citizen of the United States of America as defined by section 1 (13) of the act.

2. From January 1, 1953, to May 25, 1955, Central was an air carrier providing within the continental limits of the United States, local or feeder service consisting of the carriage of persons, property and mail pursuant to a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board, continuously operating as such (except as to interruptions of service over which Central had no control)

3. Central has continuously served the following terminal and intermediate points during the period from May 19, 1955, to May 25, 1955:

[2] Filed as part of the original document.

[3] We will also officially notice the Origination-Destination Airline Traffic Surveys published by the Airline Finance and Accounting Conference from information compiled by the Board.

Amarillo, Tex.	Ada, Okla.
Borger, Tex.	Ardmore, Okla.
Woodward, Okla.	Stillwater, Okla.
Enid, Okla.	Lawton-Fort Sill, Okla.
Ponca City, Okla.	Duncan, Okla.
Bartlesville, Okla.	Fayetteville, Ark.
Tulsa, Okla.	Fort Smith, Ark.
Muskogee, Okla.	Hot Springs, Ark.
McAlester, Okla.	Little Rock, Ark.
Dallas, Tex.	Kansas City, Mo.
Fort Worth, Tex.	Joplin, Mo.
Wichita, Kans.	Paris, Tex.
Oklahoma City, Okla.	

4. The intermediate point Sherman-Denison, Texas, is eligible for certification pursuant to section 401 (e) (3) although not served during the period May 19, 1955, to May 25, 1955, because service was interrupted for reasons over which Central had no control.

5. The service rendered by Central during the period from February 19, 1953, the date of its last certification, to the present has been adequate and efficient within the meaning of section 401 (e) (3) of the act.

6. The following intermediate points, which, on the basis of the most recent available data have generated an average of five or more enplaned passengers per day, should be designated as points of unlimited duration:

(a) On Central's segment 1, the intermediate point Borger, Tex., Enid, Ponca City, and Bartlesville, Okla.,

(b) On segment 2, the intermediate points Muskogee, Okla., and Dallas, Tex.,

(c) On segment 3, the intermediate points Ponca City, Enid, Oklahoma City, Okla., and Dallas, Tex.,

(d) On segment 5, the intermediate points Lawton-Fort Sill and Duncan, Okla.,

(e) On segment 6, the intermediate points Muskogee, Okla., Fayetteville, Fort Smith, and Hot Springs, Ark.,

(f) On segment 7, the intermediate points Joplin, Mo., Muskogee, Okla., Fayetteville and Ft. Smith, Ark., and Dallas, Texas.

7. On the basis of the most recent available data the following intermediate points have generated less than 5 enplaned passengers per day, and therefore have generated insufficient traffic to warrant a finding that the public convenience and necessity requires permanent certification; but that certification of each of said points for a period of 3 years is warranted:

(a) On Central's segment 1, the intermediate point Woodward, Okla.;

(b) On segment 2, the intermediate point McAlester, Okla.,

(c) On segment 3, the intermediate points Ada and Ardmore, Okla.,

(d) On segment 4, the intermediate point Stillwater, Okla.,

(e) On segment 7, the intermediate point Paris, Tex.

8. The intermediate points, Shawnee and Chickasha, Oklahoma, and Paris, Texas, on segment 2 are ineligible for certification pursuant to section 401 (e) (3) of the act since they were not served by Central during the period May 19, 1955, and May 25, 1955, because service was temporarily suspended for economic reasons. It is, however, appropriate to include all Central's effective certificate authority in one document, so Central's present authority to serve Shawnee, Chickasha, and Paris on segment 2 should be carried forward in the certificate to be issued in this proceeding: *Therefore, it is ordered,* That:

1. Central is directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue the proposed certificate of public convenience and necessity in the form set forth below as Appendix A, and further issue the proposed supplementary order in the form set forth below as Appendix B;

2. Central and any other interested person having objection to the issuance of an order making final the tentative findings and conclusions stated herein, or to the issuance of the aforesaid proposed certificate and supplementary order, shall, within 15 days from the date hereof, file written notice of objection with the Board;

3. On the expiration of the 15-day period allowed for the filing of objections, this proceeding shall be set for immediate hearing before an examiner of this Board. The hearing shall be limited to consideration of issues raised by the objections filed;

4. Copies of this order shall be served on Central, the Mayors of Shawnee and Chickasha, Okla., and Sherman-Denison, Texas, the Mayor of each city served by Central during the period May 19, 1955, to May 25, 1955, and every certificated air carrier serving a point served by Central during that period;

5. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

APPENDIX A

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSARY FOR LOCAL OR FEEDER SERVICE

Central Airlines, Inc., is hereby authorized, subject to the provisions hereinafter set forth, the provisions of Title IV of the Civil Aeronautics Act of 1938, as amended, and the orders, rules and regulations issued thereunder, to engage in air transportation with respect to persons, property and mail, as follows:

1. Between the terminal point Amarillo, Tex., the intermediate points Borger, Tex., Woodward, Enid, Ponca City and Bartlesville, Okla., and the terminal point Tulsa, Okla.,

2. Between the terminal point Tulsa, Okla., the intermediate points Muskogee and McAlester, Okla., Paris and Dallas, Tex., and the terminal point Fort Worth, Tex.;

3. Between the terminal point Fort Worth, Tex., the intermediate points Dallas and Sherman-Denison, Tex., Ardmore and Ada, Okla., and (a) beyond Ada, the terminal point Tulsa, Okla., and (b) beyond Ada, the intermediate points Shawnee, Oklahoma City, Enid and Ponca City, Okla., and the terminal point Wichita, Kans.;

4. Between the terminal point Tulsa, Okla., the intermediate point Stillwater, Okla., and the terminal point Oklahoma City, Okla.,

5. Between the terminal point Oklahoma City, Okla., the intermediate points Chickasha, Lawton-Fort Sill, and Duncan, Okla., and the terminal point Dallas-Fort Worth, Tex. (to be served through the Amon Carter Air Field);

6. Between the terminal point Tulsa, Okla., the intermediate point Muskogee, Okla., and (a) beyond Muskogee, the intermediate points Fayetteville, Fort Smith and Hot Springs, Ark., and the terminal point Little Rock, Ark., and (b) beyond Muskogee, the intermediate points Fort Smith and Hot Springs, Ark., and the terminal point Little Rock, Ark.;

7. Between the terminal point Kansas City, Mo., the intermediate point Joplin, Mo., the alternate intermediate points Muskogee, Okla., and Fayetteville, Ark., the intermediate points Fort Smith, Ark., Paris and Dallas, Tex., and the terminal point Fort Worth, Tex.,

to be known as Route No. 81.

The service herein authorized is subject to the following terms, conditions and limitations:

(1) The holder shall render service to and from each of the points named herein, except as temporary suspensions of service may be authorized by the Board; and may begin or terminate, or begin and terminate, trips at points short of terminal points.

(2) The holder may continue to serve regularly any point named herein through the airport last regularly used by the holder to serve such point prior to the effective date of this certificate. Upon compliance with such procedure relating thereto as may be prescribed by the Board, the holder may regularly serve a point named herein through any airport convenient thereto.

(3) On each trip operated by the holder over all or part of one of the seven numbered route segments in this certificate, the holder shall stop at each point named between the point of origin and point of termination of such trip on such segment, except a point or points with respect to which (a) the Board, pursuant to such procedure as the Board may from time to time prescribe, may by order relieve the holder from the requirements of such condition, (b) the holder is authorized by the Board to suspend service, or (c) the holder is unable to render service on such trip because of adverse weather conditions or other conditions which the holder could not reasonably have been expected to foresee or control.

(4) On each trip scheduled between Little Rock, Ark., and Kansas City, Mo., the holder shall schedule service at a minimum of four points between said points.

The exercise of the privileges granted by this certificate shall be subject to such other reasonable terms, conditions and limitations required by the public interest as may from time to time be prescribed by the Board.

The services authorized by this certificate were originally established pursuant to a determination of policy by the Civil Aeronautics Board that in the discharge of its obligation to encourage and develop air transportation under the Civil Aeronautics Act, as amended, it is in the public interest to establish certain air carriers who will be primarily engaged in short-haul air transportation as distinguished from the service rendered by trunkline air carriers. In accepting this certificate the holder acknowledges and agrees that the primary purpose of the certificate is to authorize and require it to offer short-haul, local or feeder, air transportation service of the character described above.

This certificate shall be effective on _____, 1955: *Provided, however,* That prior to the date on which the certificate would otherwise become effective the Board, either on its own initiative or upon the timely filing of a petition or petitions seeking reconsideration of the Board's order of _____, 1955 (Order No. E-___), insofar as such order authorizes the issuance of this certificate may by order or orders extend such effective date from time to time.

The authority to serve Paris, Tex., on segment 7, and Woodward, McAlester, Ada, Ardmore and Stillwater, Okla., and Sherman-Denison, Tex., shall continue in effect up to and including _____. The authorization to serve Paris, Tex., on segment 2 and Shawnee and Chickasha, Okla., shall continue in effect up to and including February 19, 1956.

In witness whereof, the Civil Aeronautics Board has caused this certificate to be executed by its Chairman, and the seal of the Board to be affixed hereto, attested by the Secretary of the Board on the _____ day of _____, 1955.

[SEAL] _____
Chairman.

Attest:

_____
Secretary.

APPENDIX B

PROPOSED DRAFT OF ORDER EXTENDING EFFECTIVE PERIOD OF TEMPORARY SERVICE AUTHORIZATIONS

The Board has by Order E-____, dated _____ 1955, granted a certificate of public convenience and necessity of unlimited duration to Central Airlines, Inc. (Central), authorizing Central to engage in air transportation of persons, property and mail over route No. 81. In the past, Central has been authorized to conduct operations differing in certain particulars from the authority stated in its temporary certificate of public convenience and necessity for route No. 81.

The term of effectiveness of some of these authorizations is unlimited, while others would expire sixty days after final determination by the Board in any proceeding involving renewal of route No. 81 or at the end of a stated period. The reasons for issuance of these temporary authorizations appear to be still applicable to Central in its operation under the certificate of unlimited duration concurrently issued herewith. It, therefore, appears to the Board that it is in the public interest and consistent with the Act to continue these outstanding temporary authorizations in effect for an additional period of time. In extending these authorizations, it appears desirable to include all currently effective authorizations which are not included in or disposed of in the new certificate in one order which will become effective at the same time the new certificate of unlimited duration becomes effective.

Accordingly, the Board, acting pursuant to sections 205 (a) and 416 (b) of the Civil Aeronautics Act of 1938, as amended, and to § 202.4 and Part 205 of its Economic Regulations, finds:

1. That the enforcement of the provisions of section 401 (a) of the Act and of Central's certificate, insofar as it would otherwise prevent the operations hereinafter authorized, would be an undue burden upon Central by reason of the limited extent of, or unusual circumstances affecting its operations and is not in the public interest;

2. That the enforcement of the condition in Central's certificate which requires it on each flight over all or part of the several numbered route segments on route No: 81 to stop at each point named between the point of origin and the point of termination of such flight unless otherwise authorized by the Board, to the extent that it would prevent the service pattern hereinafter authorized, would prevent a service pattern which is in the public interest and which is consistent with Central's performance of a local or feeder air transportation service and is not required by nor is it in the public interest;

3. That the temporary suspensions of service authorized hereinafter do not substantially change the character of the service for which the certificate of public convenience and necessity of unlimited duration is being granted to Central and are otherwise in the public interest;

4. The authority granted by ordering paragraph 1 of Order E-8688, October 7, 1954, authorizing Central to provide service between Ada and Tulsa, Okla., should be terminated because the point Tulsa is included as a terminal point on segment 3 of the certificate being issued to Central concurrently with this order.

5. The authority granted by Order E-8765, November 17, 1954, which exempted Central from serving the point Ft. Worth-Dallas on segment 7 through Amon Carter Air Field and authorized Central to serve Dallas through Love Field as an intermediate point on segment 7 should be terminated because Dallas is included as an intermediate point on segment 7 in the certificate being issued to Central concurrently with this order: *Accordingly, it is ordered,* That:

1. Central be and hereby is authorized to suspend service temporarily at Chickasha, Oklahoma, an intermediate point on segment 5 of route No. 81 (previously authorized by Order E-9016);

2. Central be and hereby is authorized to suspend service at Sherman-Denison, Tex., on segment 3 of route No. 81 until adequate airport facilities are available at said point for use by Central with equipment operated by it in scheduled air carrier operations (previously authorized by Order E-5395);

3. Central be and hereby is authorized temporarily to suspend service at Shawnee, Oklahoma, and Paris, Texas on segment 2. This authority shall expire on December 31, 1955 (previously authorized by ordering paragraph 2 of Order E-8688);

4. Central be and hereby is authorized to omit service at Enid or Ponca City, Oklahoma, but not both, on flights in excess of two one-way trips per day over segment 1. This authority shall expire on December 31, 1955 (previously authorized by ordering paragraph 3 of Order E-8688);

5. Central be and hereby is authorized to omit service at Woodward, Oklahoma, an intermediate point on segment 1 of route No. 81, on all flights in excess of one round trip per day at said point for the duration of its existing authority to serve the said point (previously authorized by Order E-8360);

6. Central be and hereby is exempted temporarily from the provisions of section 401 (a) of the act, insofar as the said provisions would otherwise prevent Central from serving Sherman-Denison, Texas, as an intermediate point between Dallas, Texas, and McAlester, Oklahoma, on segment 2 of its route No. 81 in lieu of service to and from the aforesaid point on segment 3 of its route. This authority shall continue in effect for a period of one year from September 26, 1955 (previously authorized by Order E-9588).

7. Central be and hereby is authorized to render flag-stop service on its route No. 81 by omitting the physical landings of its aircraft at any intermediate point scheduled to be served on a particular flight: *Provided,* That there are no persons, property or mail on the aircraft destined for such point and no such traffic available at such point for the flight at the scheduled time of departure: *Provided, further,* That the Board in its discretion may at any time disapprove the use of such authority with respect to service to any point on any flight or flights (previously authorized by Order E-6545);

8. The authority previously granted to Central by Orders E-5395, E-6545, E-8360, E-8688, E-8765, E-9016 and E-9588 shall be terminated on the date this order and the certificate of public convenience and necessity of unlimited duration for route No. 81 being issued to Central concurrently with the issuance of this order become effective.

9. The change in service pattern, temporary suspension and temporary exemption authorizations granted herein shall become effective _____, _____, concurrently with the effective date of the certificate issued to Central in Docket No. 7178;

10. This order or any part thereof may be amended or revoked at any time in the discretion of the Board without notice and without hearing.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F R. Doc. 55-8359; Filed, Oct. 13, 1955; 8:47 a. m.]

[Docket No. 7357; Order E-9634]

PIEDMONT AVIATION, INC.

STATEMENT OF TENTATIVE FINDINGS AND CONCLUSIONS AND ORDER TO SHOW CAUSE [1]

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 7th day of October 1955.

In the matter of the application of Piedmont Aviation, Inc., under section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration for Route No. 87.

Piedmont Aviation, Inc. (Piedmont) on August 15, 1955, filed an application pursuant to section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended (the act), requesting the Board to issue Piedmont a certificate of public convenience and necessity of unlimited duration for route No. 87 authorizing air transportation of persons, property and mail between certain named points.

Section 401 (e) (3) of the act (effective May 19, 1955) provides: "If any applicant who makes application for a certificate within one hundred and twenty days after the date of enactment of this paragraph shall show that, from January 1, 1953, to the date of its application, it or its predecessor in interest, was an air carrier furnishing, within the continental limits of the United States, local or feeder service consisting of the carriage of persons, property, and mail, under a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board, continuously operating as such (except as to interruptions of service over which the applicant or its predecessors in interest have no control) the Board, upon proof of such fact only, shall, unless the service rendered by such applicant during the period since its last certification has been inadequate and inefficient, issue a certificate or certificates of unlimited duration, authorizing such applicant to engage in air transportation between the terminal and intermediate points within the continental limits of the United States between which it, or its predecessor, so continuously operated between the date of enactment of this paragraph and the date of its application: Provided, That the Board in issuing the certificate is empowered to limit the duration of the certificate as to not over one-half of the intermediate points named therein, which points it finds have generated

[1] This statement does not necessarily represent the views of all Members of the Board with respect to all issues.

insufficient traffic to warrant a finding that the public convenience and necessity requires permanent certification at such time."

Piedmont alleges in its application that it is a citizen of the United States of America as defined by section 1 (13) of the act. Proof of this fact has been submitted by Piedmont in other certification proceedings and no information to the contrary has since come to the knowledge of the Board.

Piedmont further alleges in its application that it has continuously operated as an air carrier furnishing local or feeder air transportation of persons, property and mail within the continental limits of the United States during the period January 1, 1953, to the date of its application under a temporary certificate of public convenience and necessity for route No. 87 issued by the Board, except as to interruptions of service over which it had no control. The various schedules and reports required to be filed with the Board by local service carriers indicate that Piedmont has so continuously operated since January 1, 1953.

Section 401 (e) (3) of the act requires in effect that the Board find as a prerequisite to the granting of a certificate of unlimited duration to Piedmont that the service rendered by Piedmont during the period since its last certification has not been inadequate or inefficient. The carrier in its application for such certificate filed August 15, 1955, alleges its service rendered during the aforesaid period has been adequate and efficient. The Board during the said period has received no complaints from the public relating to the overall service provided by this carrier. The Board is possessed of no information from which it could find that, considered as a whole, the service provided by this carrier during the period from May 26, 1952, the date of Piedmont's last certificate for route No. 87, to the present has been inadequate or inefficient within the meaning of section 401 (e) (3) of the act.

Piedmont further alleges in its application that it has from the date of the enactment of section 401 (e) (3) (May 19, 1955) to the date of its application, continuously served the following terminal and intermediate points:

Cincinnati, Ohio.
Louisville, Ky.
Lexington, Ky.
London-Corbin, Ky.
Bristol, Virginia-Tennessee-Kingsport-Johnson City, Tenn.
Asheville, N. C.
Hickory, N. C.
Charlotte, N. C.
Fayetteville, N. C.
Wilmington, N. C.
New Bern, N. C.
Winston-Salem, N. C.
Greensboro-High Point, N. C.
Raleigh-Durham, N. C.
Kinston, N. C.
Norfolk, Va.
Newport News-Hampton-Warwick, Va.
Richmond, Va.
Lynchburg, Va.
Roanoke, Va.
Princeton-Bluefield, W. Va.
Beckley, W. Va.
Charleston, W. Va.
Parkersburg, W. Va.-Marietta, Ohio.
Columbus, Ohio.
Ashland, Kentucky-Huntington, W. Va.
Danville, Va.
Knoxville, Tenn.

Piedmont is authorized to serve Morehead City-Beaufort, North Carolina, and Myrtle Beach, South Carolina, only during the period between May 1 and September 30, inclusive, of each year and to serve Southern Pines-Pinehurst-Aberdeen, North Carolina only during the period from October 1 to April 30, inclusive, of each year. By Order E-8183, March 25, 1954, the Board authorized Piedmont to suspend service at Morehead City-Beaufort and Myrtle Beach from May 1 through May 31, inclusive, of each year and for that part of September beginning twenty-four hours after Labor Day through September 30, inclusive, of each year. Therefore, Morehead City-Beaufort and Myrtle Beach were not continuously served during the statutory grandfather period, May 19, 1955, to August 15, 1955, and Southern Pines-Pinehurst-Aberdeen received no service during the grandfather period. All three points were continuously served throughout the seasonal period authorized for service by the Board; therefore, we believe the points are eligible for certification in this proceeding. Since the purpose of the amendment to the Act appears to be the desire of Congress to preserve services as previously operated, we do not believe section 401 (e) (3) should be interpreted to exclude points continuously served on a seasonal basis during particular months of the year which do not coincide with the period established by the Act, namely May 19, 1955 to August 15, 1955. See Mayflower Airlines, Inc.-Grandfather Certificate, 2 CAB 175 (1940), Pan American Airways, Inc., Fairbanks-Nome-Bethel, 3 CAB 902 (1942)

Section 401 (e) (3) provides in effect that all terminal points served by the local service carrier applicant during the period from May 19, 1955, to August 15, 1955, shall be certificated for a period of unlimited duration. The certificate we propose to issue to Piedmont (which is set forth below as Appendix A) accomplishes this.

Section 401 (e) (3) empowers the Board to limit the duration of the certificate as to not over one-half of the intermediate points named therein, which points the Board finds have generated insufficient traffic to warrant a finding that the public convenience and necessity require permanent certification. The Board has proposed an industry-wide traffic standard upon which to base a tentative conclusion as to whether a particular intermediate point should be permanently or temporarily certificated. A standard which can be applied on an industry-wide basis will assure that all the intermediate cities are equitably treated. The Board has concluded, on the basis of an analysis of the latest available traffic data, that an average of five or more passengers enplaned per day provides a reasonable basis for selection of those intermediate points to be permanently certificated at this time.

As indicated above, the recent amendment of the act provides for the certification for an unlimited duration of all terminal points and of at least one-half of the intermediate points named in the certificate. This means that in the future the applicant carrier will be providing services over permanently certificated segments. During the years of local service carrier experience, the Board, in consideration of the subsidized nature of the operation, has found that on-line intermediate points generating in the neighborhood of 300 passengers on and off monthly have borne a reasonable share of the expense incurred by the carrier in providing service to the intermediate point on existing flights. In the past, the Board has also found that local service carrier points generating in the neighborhood of five or more enplaned passengers per day have warranted recertification. This leads us to conclude that, in the absence of a further showing, the five passenger per day standard is a reasonable one for selecting those intermediate points to be permanently certificated.

The proposed certificate which is set forth below as Appendix A grants Piedmont permanent authority at those intermediate stations shown in Appendixes C, D and E[2] to have met this five-passenger per day standard and temporary authority at all other intermediate stations served by Piedmont during the period May 19, 1955, to August 15, 1955. Appendixes C and D set forth in tabular form, the average number of daily passengers enplaned at each Piedmont intermediate point for the calendar year 1954 and for the twelve-month periods ended March 31, 1955, and June 30, 1955. The average number of passengers enplaned at intermediate points generating less than five passengers per day is set forth in Appendix E on a quarterly basis for the years 1952, 1953, and 1954 and for the twelve-month periods ended March 31, 1955, and June 30, 1955.

The Board believes that except for cities presenting special considerations warranting permanent certification, those intermediate points which have generated less than five enplaned passengers per day should be certificated for a temporary period of three years. Certification for this period will enable the Board to assess the future traffic development at these points and to consider at a later time whether or not they should be made permanent. These cities will be afforded an opportunity before the expiration of the temporary period to demonstrate their ability to generate a sufficient volume of traffic to warrant permanent certification or continuation of service for a further temporary period.

It is also the Board's tentative conclusion that under the provisions of section 401 (e) (3) of the act a point named in Piedmont's presently effective certificate of public convenience and necessity for route No. 87 which has never been served by Piedmont or where service was first instituted after the statutory grandfather period, is not eligible for inclusion as a point in any certificate that may be issued to Piedmont pursuant to said section of the Act.

[2] Filed as part of the original document.

Thus, the certificate which the Board proposes to issue to Piedmont pursuant to section 401 (e) (3) of the act, will carry forward Piedmont's authority to serve Charlottesville, Virginia, on segment 2, and Middlesboro-Harlan, Kentucky, only for the term of its present temporary authorization. The presently effective temporary suspension of service at Middleboro-Harlan is being continued by the proposed supplementary order set forth below as Appendix B.

The Board further tentatively concludes that a point which has been authorized for service by the Board by certificate amendment becoming effective during the statutory grandfather period but which point was not served by the carrier pursuant to that authority during the grandfather period is ineligible for permanent certification pursuant to section 401 (e) (3) of the act because the point was not continuously served during the statutory grandfather period. See, Pan American Airways, Inc.-Certificate of Public Convenience, 2 C. A. B. 111 (1940) The Board will, therefore, carry forward the carrier's present temporary authority to serve such points for the term of the temporary authorization.

Thus, the proposed certificate set forth below as Appendix A carries forward Piedmont's temporary certificate authority to serve the intermediate point Charlottesville, Virginia, and the terminal point Washington, D. C., on segment 4 for the term of Piedmont's present temporary authorization.

The Board further believes that a point named in the last certificate issued to the carrier as a point on more than one designated segment in the certificate, but as to which point, pursuant to § 202.4 of the Board's Economic Regulations, a temporary omission of service has been granted to the carrier and which point has been served on only one segment because of the authorized temporary omission of service on the other segment, is eligible to be certificated pursuant to the provisions of section 401 (e) (3) of the act only as a point on the segment where the point was served as authorized.

Thus, this order will require Piedmont to show cause why the point Morehead City-Beaufort, North Carolina, should not be certificated pursuant to the provisions of section 401 (e) (3) of the act as a terminal point on segment 1 (b) only. Piedmont's present authority to serve Morehead City-Beaufort on segment 1 (a) will be carried forward in the certificate to be issued in this proceeding for the term of its present temporary authorization and the presently effective authorization to omit service at Morehead City-Beaufort on segment 1 (a) will be carried forward in the supplementary order set forth below as Appendix B.

The Board further tentatively concludes that where since the last certificate issued to this carrier the Board has authorized Piedmont, by exemption, to provide service between points named in such certificate on segments different from that designated in the certificate, the said points are eligible to be certificated pursuant to section 401 (e) (3) of the act as served by the carrier pursuant to such exemption during the period from May 19, 1955, to August 15, 1955.

Thus, the Board proposes to require the carrier to show cause why Ashland, Kentucky-Huntington, West Virginia, should not be permanently certificated as an alternate intermediate point to Lexington, Kentucky, on segment 1 and why Princeton-Bluefield, West Virginia, should not be permanently certificated as an intermediate point on segment 4.

The Board further believes that the general terms and conditions set forth in the certificate of public convenience and necessity last issued by the Board to Piedmont may not be expanded in a certificate to be issued pursuant to section 401 (e) (3) of the act in such manner as to grant authority to said carrier in excess of that set forth in the certificate of public convenience and necessity last issued to this carrier.

The Board does not believe that authority granted to Piedmont pursuant to § 202.4 and Part 205 of the Economic Regulations of the Board, subsequent to the issuance of the last certificate of public convenience and necessity issued by the Board to said air carrier permitting on-segment changes in the service pattern should be incorporated in a certificate issued to Piedmont pursuant to section 401 (e) (3) of the act. In the interest of convenience and clarity the Board will restate the carrier's outstanding service pattern modifications in a single order, a draft of which is set forth below as Appendix B.

It is our intention to strictly limit this proceeding to a consideration of issues directly pertaining to the grant, pursuant to section 401 (e) (3) of the act, of permanent or temporary authority to serve points served by Piedmont during the period from May 19, 1955, to August 15, 1955. We believe the public interest requires expeditious disposition of the proceeding and are therefore adopting a procedure intended to shorten the proceeding while at the same time fully protecting the interests of all interested persons. We are requiring Piedmont to show cause why the Board should not issue an order making final the tentative findings and conclusions set forth in this order and issue a certificate of public convenience and necessity in the form set forth below as Appendix A. After allowing interested persons a reasonable period within which to submit objections to the Board's order, Piedmont's application and the order to show cause will be set for immediate hearing in Washington before a hearing examiner of the Board. Piedmont and all interested persons who desire to be heard in connection with this matter are hereby notified that they may file written objection to the Board's tentative findings and conclusions within 15 days from the date of this order. The hearing will be limited to consideration of the issues raised by such objections. Objections should be in the nature of exceptions, should be brief and concise, and should not contain argument or factual data which the objecting party intends to rely on at the hearing in support of its objections.

It is also our intention to officially notice all reports, tariffs and schedules required to be filed with the Board by all air carriers, as well as all public Board reports based on these data,[3] so that these materials need not be specially compiled for the record in this proceeding.

On the basis of the foregoing considerations and the data set forth in Appendixes C, D, E, and F[2] hereof, which are hereby incorporated into this order and shall constitute part of the record in this proceeding, the Board finds that:

1. Piedmont is a citizen of the United States of America as defined by section 1 (13) of the Act.

2. From January 1, 1953, to August 15, 1955, Piedmont was an air carrier providing within the continental limits of the United States, local or feeder service consisting of the carriage of persons, property and mail pursuant to a temporary certificate of public convenience and necessity for route No. 87 issued by the Civil Aeronautics Board, continuously operating as such (except as to interruptions of service over which Piedmont had no control)

3. Piedmont has continuously served the following terminal and intermediate points during the period from May 19, 1955, to August 15, 1955:

Cincinnati, Ohio.
Louisville, Ky.
Lexington, Ky.
London-Corbin, Ky.
Bristol, Virginia-Tennessee-Kingsport-Johnson City, Tenn.
Asheville, N. C.
Hickory, N. C.
Charlotte, N. C.
Fayetteville, N. C.
Wilmington, N. C.
New Bern, N. C.
Winston-Salem, N. C.
Greensboro-High Point, N. C.
Raleigh-Durham, N. C.
Kinston, N. C.
Norfolk, Va.
Newport News-Hampton-Warwick, Va.
Richmond, Va.
Lynchburg, Va.
Roanoke, Va.
Princeton-Bluefield, W. Va.
Beckley, W. Va.
Charleston, W. Va.
Parkersburg, W. Va.-Marietta, Ohio.
Columbus, Ohio.
Ashland, Kentucky-Huntington, W. Va.
Danville, Va.
Knoxville, Tenn.

4. Piedmont has continuously served the points Morehead City-Beaufort, North Carolina, on segment 1 (b), Myrtle Beach, South Carolina, and Southern Pines - Pinehurst - Aberdeen, North Carolina, during the period of its seasonal authorization and these points are eligible for certification on a seasonal basis pursuant to section 401 (e) (3) of the act.

5. The service rendered by Piedmont, during the period from May 26, 1952, the date of its last certification, to the present has been adequate and efficient within the meaning of section 401 (e) (3) of the act.

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[2] Filed as part of the original document.

[3] We will also officially notice the Origination-Destination Airline Traffic Surveys published by the Airline Finance and Accounting Conference from information compiled by the Board.

6. The following intermediate points, which on the basis of the most recent available data have generated an average of five or more enplaned passengers per day, should be designated as points of unlimited duration:

(a) On Piedmont's segment 1, the intermediate points Lexington, Kentucky, Ashland, Kentucky-Huntington, West Virginia, Bristol, Virginia-Tennessee-Kingsport, Tennessee-Johnson City, Tennessee, Ashville, Hickory, Charlotte, Southern Pines-Pinehurst-Aberdeen, Fayetteville, Wilmington, Winston-Salem, Greensboro-High Point, Raleigh-Durham, Kinston, North Carolina, New Bern, North Carolina on segment 1 (b),

(b) On segment 2, the intermediate points Newport News-Hampton-Warwick, Richmond, Lynchburg, Roanoke, Virginia, Princeton-Bluefield, Beckley, Charleston, West Virginia, Parkersburg, West Virginia-Marietta, Ohio, Ashland, Kentucky-Huntington, West Virginia, and Lexington, Kentucky·

(c) On segment 3, the intermediate points Winston-Salem, Greensboro-High Point, Raleigh-Durham, and Fayetteville, North Carolina, and Myrtle Beach, South Carolina;

(d) On segment 4, the intermediate points Bristol, Virginia-Tennessee-Kingsport-Johnson City, Tennessee, Princeton-Bluefield, West Virginia, Roanoke, and Lynchburg, Virginia.

7. On the basis of the most recent available data the following intermediate points have generated less than an average of five enplaned passengers per day, and therefore have generated insufficient traffic to warrant a finding that the public convenience and necessity requires permanent certification; but that certification of each of said points for a period of three years is warranted:

(a) On Piedmond's segment 1, the intermediate point London-Corbin, Kentucky·

(b) On segment 3, the intermediate point Danville, Virginia.

8. The points Charlottesville, Virginia, Washington, D. C., Morehead City-Beaufort, North Carolina, on segment 1 (a) and Middlesboro-Harlan, Kentucky, are ineligible for certification pursuant to section 401 (e) (3) of the act because they were not served by Piedmont during the period May 19, 1955, to August 15, 1955. It is, however, appropriate to include all Piedmont's effective certificate authority in one document, so Piedmont's present temporary authority to serve these points should be carried forward in the certificate to be issued in this proceeding: *Therefore it is ordered,* That:

1. Piedmont is directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue the proposed certificate of public convenience and necessity in the form attached hereto as Appendix A, and further issue the proposed supplementary order in the form set forth below as Appendix B;

2. Piedmont and any other interested person having objection to the issuance of an order making final the tentative findings and conclusions stated herein, or to the issuance of the aforesaid proposed certificate and supplementary order, shall, within 15 days from the date hereof, file written notice of objection with the Board;

3. On the expiration of the 15-day period allowed for the filing of objections, this proceeding shall be set for immediate hearing before an examiner of this Board. The hearing shall be limited to consideration of issues raised by the objections filed;

4. Copies of this order shall be served on Piedmont, the Mayors of Charlottesville, Virginia, Middlesboro-Harlan, Kentucky, Southern Pines, Pinehurst, and Aberdeen, North Carolina, the Board of Commissioners of the District of Columbia, the Mayor of each city served by Piedmont during the period May 19, 1955, to August 15, 1955, and on every certificated air carrier serving a point served by Piedmont during that period;

5. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

APPENDIX A

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR LOCAL OR FEEDER SERVICE

Piedmont Aviation, Inc., is hereby authorized, subject to the provisions hereinafter set forth, the provisions of Title IV of the Civil Aeronautics Act of 1938, as amended, and the orders, rules and regulations issued thereunder, to engage in air transportation with respect to persons, property, and mail, as follows:

1. Between the alternate terminal points Cincinnati, Ohio, and Louisville, Ky., the alternate intermediate points Lexington, Ky., and Ashland, Ky.-Huntington, W. Va., the intermediate points London-Corbin and Middlesboro-Harlan, Ky., and Bristol, Va.-Tenn.-Kingsport-Johnson City, Tenn., and (a) beyond Bristol, Va.-Tenn.-Kingsport-Johnson City, Tenn., the alternate intermediate points Asheville and Hickory, N. C., the intermediate points Charlotte, Southern Pines-Pinehurst-Aberdeen, Fayetteville, Wilmington, Morehead City-Beaufort, N. C., and the terminal point New Bern, N. C., and (b) beyond Bristol, Va.-Tenn.-Kingsport-Johnson City, Tenn., the intermediate points Hickory, Winston-Salem, Greensboro-High Point, Raleigh-Durham, Kinston and New Bern, N. C., and the terminal point Morehead City-Beaufort, N. C.;

2. Between the terminal point Norfolk, Va., the intermediate points Newport News-Hampton-Warwick, Richmond, Charlottesville, Lynchburg and Roanoke, Va., Princeton-Bluefield and Beckley, W. Va., and (a) beyond Beckley, W. Va., the intermediate point Lexington, Ky., and the terminal point Louisville, Ky., and (b) beyond Beckley, W. Va., the intermediate point Charleston, W. Va., and (1) beyond Charleston, W. Va., the intermediate point Parkersburg, W. Va., Marietta, Ohio, and the terminal point Columbus, Ohio, and (11) beyond Charleston, W. Va., the intermediate point Ashland, Ky.-Huntington, W. Va., and the terminal point Cincinnati, Ohio;

3. Between the terminal point Roanoke, Va., the alternate intermediate points Danville, Va., and Winston-Salem, N. C., the intermediate points Greenboro-High Point, Raleigh-Durham, and Fayetteville, N. C., Myrtle Beach, S. C., and the terminal point Wilmington, N. C.;

4. Between the terminal point Knoxville, Tenn., the intermediate points Bristol, Va.-Tenn.-Kingsport-Johnson City, Tenn., Princeton-Bluefield, W. Va., Roanoke and Lynchburg, Va., and (a) beyond Lynchburg, Va., the intermediate point Charlottesville, Va., and the terminal point Washington, D. C., and (b) beyond Lynchburg, Va., the terminal point Richmond, Va.,

to be known as Route No. 87.

The service herein authorized is subject to the following terms, conditions and limitations:

(1) The holder shall render service to and from each of the points named herein, except as temporary suspensions of service may be authorized by the Board; and may begin or terminate, or begin and terminate, trips at points short of terminal points.

(2) The holder may continue to serve regularly any point named herein through the airport last regularly used by the holder to serve such point prior to the effective date of this certificate. Upon compliance with such procedure relating thereto as may be prescribed by the Board, the holder may regularly serve a point named herein through any airport convenient thereto.

(3) On each trip operated by the holder over all or part of one of the four numbered route segments in this certificate, the holder shall stop at each point named between the point or origin and point of termination of such trip on such segment, except a point or points with respect to which (a) the Board, pursuant to such procedure as the Board may from time to time prescribe, may by order relieve the holder from the requirements of such condition, (b) the holder is authorized by the Board to suspend service, or (c) the holder is unable to render service on such trip because of adverse weather conditions or other conditions which the holder could not reasonably have been expected to foresee or control.

(4) The holder shall serve Morehead City-Beaufort, N. C., on segment No. 1, above, and Myrtle Beach, S. C., on segment No. 3, above, only during the period between May 1 and September 30, inclusive, of each year.

(5) The holder shall serve Southern Pines-Pinehurst-Aberdeen, N. C., on segment No. 1, above, only during the period between October 1 and April 30, inclusive, of each year.

(6) Notwithstanding the provisions of paragraph (3) above, the holder may operate nonstop service between Charleston, W. Va., and Columbus, Ohio.

(7) The holder shall not serve on the same flight Washington, D. C., on the one hand, and Danville, Va., Richmond, Va., Norfolk, Va., Winston-Salem, N. C., or Greensboro-High Point, N. C., on the other hand.

(8) The holder shall not serve Ashland, Ky.-Huntington, W. Va., on flights serving Louisville, Ky., on segment 1.

The exercise of the privileges granted by this certificate shall be subject to such other reasonable terms, conditions and limitations required by the public interest as may from time to time be prescribed by the Board.

The services authorized by this certificate were originally established pursuant to a determination of policy by the Civil Aeronautics Board that in the discharge of its obligation to encourage and develop air transportation under the Civil Aeronautics Act, as amended, it is in the public interest to establish certain air carriers who will be primarily engaged in short-haul air transportation as distinguished from the service rendered by trunkline air carriers. In accepting this certificate the holder acknowledges and agrees that the primary purpose of this certificate is to authorize and require it to offer short-haul, local or feeder, air transportation service of the character described above.

This certificate shall be effective on _____, 1955; *Provided, however,* That prior to the date on which the certificate would otherwise become effective the Board, either on its own initiative or upon the timely filing of a petition or petitions seeking reconsideration of the Board's order of _____,

1955, (Order E-____) insofar as such order authorizes the issuance of this certificate may by order or orders extend such effective date from time to time. The authority to serve Morehead City-Beaufort, N. C., on segment 1 (a) shall terminate on July 25, 1953.[1] The authority to serve segment 4 between Lynchburg, Va., and Washington, D. C., via Charlottesville, Va., shall terminate on July 15, 1958. The authority to serve London-Corbin, Kentucky and Danville, Virginia shall continue in effect up to and including _____. The authority to serve Charlottesville, Virginia, on segment 2 and Middlesboro-Harlan, Kentucky shall continue in effect up to and including December 31, 1957.

In witness whereof, the Civil Aeronautics Board has caused this certificate to be executed by its Chairman and the seal of the Board to be affixed hereto, attested by the Secretary of the Board, on the ____ day of _____, 1955.

[SEAL] ROSS RIZLEY,
Chairman.

Attest:

_____
Secretary.

APPENDIX B

PROPOSED DRAFT OF ORDER EXTENDING EFFECTIVE PERIOD OF TEMPORARY SERVICE AUTHORIZATIONS

The Board has by Order E-__, dated _____, 1955, granted a certificate of public convenience and necessity of unlimited duration to Piedmont Aviation, Inc. (Piedmont) authorizing Piedmont to engage in air transportation of persons, property and mail over route No. 87. In the past, Piedmont has been authorized to conduct operations differing in certain particulars from the authority stated in its temporary certificate of public convenience and necessity for route No. 87.

The term of effectiveness of some of these authorizations is unlimited, while others would expire sixty days after final determination by the Board in any proceeding involving renewal of route No. 87 or at the end of a stated period. The reasons for issuance of these temporary authorizations appear to be still applicable to Piedmont in its operation under the certificate of unlimited duration concurrently issued herewith. It, therefore, appears to the Board that it is in the public interest and consistent with the act to continue these outstanding temporary authorizations in effect for an additional period of time. In extending these authorizations, it appears desirable to include all currently effective authorizations which are not included in or disposed of in the new certificate in one order which will become effective at the same time the new certificate of unlimited duration becomes effective.

Accordingly, the Board, acting pursuant to section 205 (a) of the Civil Aeronautics Act of 1938, as amended, and to § 202.4 and Part 205 of the Economic Regulations, finds that:

1. The enforcement of the condition in Piedmont's certificate which requires it on each flight over all or part of the several numbered route segments on route No. 87 to stop at each point named between the point of origin and the point of termination of such flight unless otherwise authorized by the Board, to the extent that it would prevent the service pattern hereinafter authorized, would prevent a service pattern which is in the public interest and which is consistent with Piedmont's performance of a local or feeder air transportation service and is not required by nor is it in the public interest;

2. The temporary suspensions of service authorized hereinafter do not substantially change the character of the service for which the certificate of public convenience and necessity of unlimited duration is being granted to Piedmont and are otherwise in the public interest;

3. Piedmont was authorized by Order E-6605, July 14, 1952, to omit service at Beckley, West Virginia, on flights scheduled to arrive during hours of darkness provided that the point be served by two round trip flights daily. Subsequently the carrier was authorized by Order E-6633, July 25, 1952, to omit stops at Beckley on all flights in excess of two daily round trips on segment 2 (a) and on segment 2 (b). By Order E-7488, June 17, 1953, Piedmont was authorized to omit service at Beckley on all flights in excess of one daily round trip over segment 2 (a). The authority granted by Orders E-6605, E-6633, and E-7488 should and will be terminated and the presently effective authority granted to Piedmont by these orders will be restated in this order.

4. The authority granted by Order E-8714, October 19, 1954, insofar as it authorized service to Ashland-Huntington, West Virginia, as an alternate intermediate point to Lexington, Kentucky, on segment 1 and service to Princeton-Bluefield, West Virginia, as an intermediate point between Roanoke, Virginia, and Bristol, Virginia-Tennessee-Kingsport-Johnson City, Tennessee, on segment 4 should and will be terminated because the point Ashland-Huntington is included as an alternate intermediate point to Lexington on segment 1, and Princeton-Bluefield is included as an intermediate point on segment 4 of the certificate to be issued to Piedmont concurrently with this order: *Accordingly, it is ordered,* That:

1. Piedmont be and hereby is authorized to suspend service temporarily at Middlesboro-Harlan, Ky., until such time as adequate airport facilities become available (previously authorized by Order E-1163);

2. Piedmont be and hereby is authorized to omit service at Asheville, N. C., on flights over segment 1 of route No. 87, which flights would serve Asheville, N. C., during hours of darkness: *Provided,* That Piedmont shall serve Asheville, N. C., on at least two daily round trip flights over segment 1 of said route until such time as the lighting facilities at Asheville-Henderson Airport are adequate to permit scheduled air carrier operations at said airport during hours of darkness (previously authorized by Order E-3329);

3. Piedmont be and hereby is authorized to omit stops at the following points authorized to be served under the certificate issued for route No. 87:

(a) At Hickory, N. C., on segment 1 (b) on flights in excess of one round trip daily;

(b) At Aberdeen-Southern Pines-Pinehurst, N. C., on flights in excess of one round trip daily;

(c) At Lynchburg and Newport News, Va., on flights in excess of three daily round trips over segment 2 (previously authorized by ordering paragraph 3 of Order E-6460);

4. Piedmont be and hereby is authorized to omit service at Beckley, West Virginia, an intermediate point on segment 2 of route No. 87, on flights scheduled to arrive at said point during hours of darkness until such time as lighting facilities at the Beckley airport are adequate to permit landings by Piedmont during hours of darkness: *Provided,* That Piedmont shall serve Beckley on at least one round trip daily on segment 2 (a) and on at least two rounds trips daily on segment 2 (b) (previously authorized by Orders E-6605, E-6633, and E-7488);

5. Piedmont be and hereby is authorized to omit service at Morehead City-Beaufort, North Carolina, an intermediate point on its route segment 1 (a) of route No. 87 between Wilmington, North Carolina, and New Bern, North Carolina, during the period May 1 through September 30 of each year: *Provided,* That during that period Morehead City-Beaufort is served on at least one round trip flight daily on segment 1 (b). This authority shall continue in effect until 60 days after final decision has been made by the Board in Piedmont's application in Docket No. 6059 (previously authorized by Order E-7302);

6. Piedmont be and hereby is authorized to omit service at Lexington, Kentucky, on one round-trip flight daily between Louisville, Kentucky, and Bristol, Virginia-Tennessee-Kingsport, Tennessee-Johnson City, Tennessee, over segment 1 of route No. 87; *Provided,* That Lexington shall continue to be served by at least two daily round trip flights to and from Bristol, Virginia-Tennessee-Kingsport, Tennessee-Johnson City, and Louisville, Kentucky (previously authorized by Order E-7360);

7. Piedmont be and hereby is authorized to overfly London-Corbin, an intermediate point on segment 1 of route no. 87, on flights in excess of one daily one-way trip southbound, and in excess of two daily one-way trips northbound, through December 31, 1955 (previously authorized by Order E-8669);

8. Piedmont be and hereby is authorized to omit service at Princeton-Bluefield, West Virginia, an intermediate point on segment 2 of route No. 87, on flights in excess of three daily round trips (previously authorized by Order E-9202);

9. Piedmont be and hereby is authorized to suspend service at Morehead City-Beaufort, a terminal point on segment 1 of route No. 87, and at Myrtle Beach, an intermediate point on segment 3 of the aforesaid route No. 87, from May 1 through May 31, inclusive, each year and for that part of September beginning 24 hours after Labor Day and through September 30, inclusive, each year (previously authorized by Order E-8183);

10. Piedmont be and hereby is authorized to render flag-stop service on its route No. 87, by omitting the physical landing of its aircraft at any intermediate point scheduled to be served on a particular flight: *Provided,* That there are no persons, property or mail on the aircraft destined for such point and no such traffic available at such point for the flight at the scheduled time of departure: *Provided, further,* That the Board in its discretion may at any time disapprove the use of such authority with respect to service to any point on any flight or flights (previously authorized by Orders E-5695 and E-6139);

11. The authority previously granted to Piedmont by Orders E-1163, E-3329, E-5695, and E-6139 insofar as they pertain to Piedmont, ordering paragraph 3 of E-6460, E-6605, E-6633, E-7488, E-7302, E-7360, E-8669, E-9202, E-8188 and E-871 shall be terminated on the date this order and the certificate of public convenience and necessity of unlimited duration for route No. 87 being issued to Piedmont concurrently with the issuance of this order become effective.

12. The change in service pattern and temporary suspension authorizations granted herein shall become effective _____, _____, concurrently with the effective date of the certificate issued to Piedmont in Docket No. 7357;

13. This order or any part thereof may be amended or revoked at any time in the discretion of the Board without notice and without hearing.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 55-8358; Filed, Oct. 13, 1955; 8:46 a. m.]

[1] On April 1, 1953, the holder filed an application, Docket No. 6059, for an amendment to this certificate to renew this authorization.

[Docket No. 7206; Order No. E-9632]

OZARK AIR LINES, INC.

STATEMENT OF TENTATIVE FINDINGS AND CONCLUSIONS AND ORDER TO SHOW CAUSE[1]

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 7th day of October 1955.

In the matter of the application of Ozark Air Lines, Inc., under section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration for Route No. 107.

Ozark Air Lines, Inc. (Ozark) on June 10, 1955, filed an application pursuant to section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended, (the act) requesting the Board to issue Ozark a certificate of public convenience and necessity of unlimited duration for Route No. 107 authorizing air transportation of persons, property and mail between certain named points.

Section 401 (e) (3) of the act (effective May 19, 1955) provides: "If any applicant who makes application for a certificate within one hundred and twenty days after the date of enactment of this paragraph shall show that, from January 1, 1953, to the date of its application, it or its predecessor in interest, was an air carrier furnishing, within the continental limits of the United States, local or feeder service consisting of the carriage of persons, property, and mail, under a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board, continuously operating as such (except as to interruptions of service over which the applicant or its predecessors in interest have no control) the Board, upon proof of such fact only, shall, unless the service rendered by such applicant during the period since its last certification has been inadequate and inefficient, issue a certificate or certificates of unlimited duration, authorizing such applicant to engage in air transportation between the terminal and intermediate points within the continental limits of the United States between which it, or its predecessor, so continuously operated between the date of enactment of this paragraph and the date of its application: *Provided*, That the Board in issuing the certificate is empowered to limit the duration of the certificate as to not over one-half of the intermediate points named therein, which points it finds have generated insufficient traffic to warrant a finding that the public convenience and necessity requires permanent certification at such time."

Ozark alleges in its application that it is a citizen of the United States of America as defined by section 1 (13) of the act. Proof of this fact has been submitted by Ozark in other certification proceedings and no information to the contrary has since come to the knowledge of the Board.

Ozark further alleges in its application that it has continuously operated as an air carrier furnishing local or feeder air transportation of persons, property and mail within the continental limits of the United States during the period January 1, 1953, to the date of its application under a temporary certificate of public convenience and necessity for route No. 107 issued by the Board, except as to interruptions of service over which it had no control. The various schedules and reports required to be filed with the Board by local service carriers indicate that Ozark has so continuously operated since January 1, 1953.

Section 401 (e) (3) of the act requires in effect that the Board find as a prerequisite to the granting of a certificate of unlimited duration to Ozark that the service rendered by Ozark during the period since its last certification has not been inadequate or inefficient. The Board during the said period has received no complaints from the public relating to the overall service provided by this carrier. The Board is possessed of no information from which it could find that, considered as a whole, the service provided by this carrier during the period from August 20, 1954, the date of Ozark's last certificate for route No. 107, to the present has been inadequate or inefficient within the meaning of section 401 (e) (3) of the act.

Ozark further alleges in its application that it has from the date of the enactment of section 401 (e) (3) (May 19, 1955) to the date of its application, continuously served the following terminal and intermediate points:

Milwaukee, Wis.	Cape Girardeau, Mo.
Rockford, Ill.	Cairo, Ill.
Davenport, Iowa-Moline, Ill.	Paducah, Ky.
	Nashville, Tenn.
Peoria, Ill.	Columbia, Mo.
Springfield, Ill.	Jefferson City, Mo.
St. Louis, Mo.	Springfield, Mo.
Decatur, Ill.	Joplin, Mo.
Champaign-Urbana, Ill.	Pittsburg, Kans.
	Chanute, Kans.
Danville, Ill.	Wichita, Kans.
Indianapolis, Ind.	Kansas City, Mo.
Chicago, Ill.	Quincy, Illinois-Hannibal, Mo.
Mattoon-Charleston, Ill.	
	Bloomington, Ill.
Marion-Herrin, Ill.	Clinton, Iowa.

Section 401 (e) (3) provides in effect that all terminal points served by the local service carrier applicant during the period from May 19, 1955, to June 10, 1955, shall be certificated for a period of unlimited duration. The certificate we propose to issue to Ozark (which is attached as Appendix A) accomplishes this.

Section 401 (e) (3) empowers the Board to limit the duration of the certificate as to not over one-half of the intermediate points named therein, which points the Board finds have generated insufficient traffic to warrant a finding that the public convenience and necessity require permanent certification. The Board has proposed an industry-wide traffic standard upon which to base a tentative conclusion as to whether a particular intermediate point should be permanently or temporarily certificated. A standard which can be applied on an industry-wide basis will assure that all the intermediate cities are equitably treated. The Board has concluded, on the basis of an analysis of the latest available traffic data, that an average of five or more passengers enplaned per day provides a reasonable basis for selection of those intermediate points to be permanently certificated at this time.

As indicated above, the recent amendment of the act provides for the certification for an unlimited duration of all terminal points and of at least one-half of the intermediate points named in the certificate. This means that in the future the applicant carrier will be providing services over permanently certificated segments. During the years of local service carrier experience, the Board, in consideration of the subsidized nature of the operation, has found that on-line intermediate points generating in the neighborhood of 300 passengers on and off monthly have borne a reasonable share of the expense incurred by the carrier in providing service to the intermediate points on existing flights. In the past, the Board has also found that local service carrier points generating in the neighborhood of five or more enplaned passengers per day have warranted recertification. This leads us to conclude that in the absence of a further showing, the five passenger per day standard is a reasonable one for selecting those intermediate points to be permanently certificated.

The proposed certificate which is set forth below as Appendix A grants Ozark permanent authority at those intermediate stations shown in Appendixes C, D and E[2] to have met this five-passenger per day standard and temporary authority at all other intermediate stations served by Ozark during the period May 19, 1955, to June 10, 1955. Appendixes C and D set forth in tabular form, the average number of daily passengers enplaned at each Ozark intermediate point for the calendar year 1954 and for the twelve-month period ended March 31, 1955. The average number of passengers enplaned at intermediate points generating less than five passengers per day is set forth in Appendix E on a quarterly basis for the years 1952, 1953, 1954, and for the twelve-month period ended March 31, 1955.

The Board believes that except for cities presenting special considerations warranting permanent certification, those intermediate points which have generated less than five enplaned passengers per day should be certificated for a temporary period of three years. Certification for this period will enable the Board to assess the future traffic development at these points and to consider at a later time whether or not they should be made permanent. These cities will be afforded an opportunity before the expiration of the temporary period to demonstrate their ability to generate a sufficient volume of traffic to warrant permanent certification or continuation of service for a further temporary period.

The Board tentatively concludes that a point which has been authorized for service by the Board by certificate amendment becoming effective during or after the statutory grandfather period but which point was not served by the carrier pursuant to that authority during the grandfather period, or a point served

[1] This statement does not necessarily represent the views of all Members of the Board with respect to all issues.

[2] Filed as part of original document.

during part but not all of the grandfather period is ineligible for permanent certification pursuant to section 401 (e) (3) of the act because the point was not continuously served during the statutory grandfather period. See Pan American Airways, Inc.-Certificate of Public Convenience, 2 C. A. B. 111 (1940) The Board will, therefore, carry forward the carrier's present temporary authority to serve such points for the term of the temporary authorization.

Thus, the proposed certificate set forth below as Appendix A carries forward Ozark's temporary certificate authority to serve the intermediate point Owensboro, Kentucky and the terminal point Louisville, Kentucky, on segment 4 (b) the intermediate point Clarksville, Tennessee - Fort Campbell - Hopkinsville, Kentucky, on segment 4 (a) and the intermediate point Galesburg, Illinois, on segment 2, and to serve segment 8 for the term of Ozark's present temporary authorization.

Ozark requests that the certificate of unlimited duration to be issued in this proceeding not include authorization to serve the intermediate point Cairo, Illinois.[3] The points to be included in certificates issued under section 401 (e) (3) are those which the applicant carrier continuously served from May 19, 1955, the date of enactment of the section, to June 10, 1955, the date of Ozark's application. Since Ozark continuously served Cairo during said period, it should be included in the certificate to be issued in this proceeding.

The Board further believes that the general terms and conditions set forth in the certificate of public convenience and necessity last issued by the Board to Ozark may not be expanded in a certificate to be issued pursuant to section 401 (e) (3) of the act in such manner as to grant authority to said carrier in excess of that set forth in the certificate of public convenience and necessity last issued to this carrier.

The Board does not believe that authority granted to Ozark pursuant to § 202.4 and Part 205 of the Economic Regulations of the Board, subsequent to the issuance of the last certificate of public convenience and necessity issued by the Board to said air carrier permitting on-segment changes in the service pattern should be incorporated in a certificate issued to Ozark pursuant to section 401 (e) (3) of the act. In the interest of convenience and clarity the Board will restate the carrier's outstanding service pattern modifications in a single order, a draft of which is set forth below as Appendix B.

It is our intention to strictly limit this proceeding to a consideration of issues directly pertaining to the grant, pursuant to section 401 (e) (3) of the act, of permanent or temporary authority to serve points served by Ozark during the period from May 19, 1955, to June 10, 1955. We believe the public interest requires expeditious disposition of the proceeding and are therefore adopting a procedure intended to shorten the proceeding while at the same time fully protecting the interests of all interested persons. We are requiring Ozark to show cause why the Board should not issue an order making final the tentative findings and conclusions set forth in this order and issue a certificate of public convenience and necessity in the form set forth below as Appendix A. After allowing interested persons a reasonable period within which to submit objections to the Board's order, Ozark's application and the order to show cause will be set for immediate hearing in Washington before a hearing examiner of the Board. Ozark and all interested persons who desire to be heard in connection with this matter are hereby notified that they may file written objection to the Board's tentative findings and conclusions within 15 days from the date of this order. The hearing will be limited to consideration of the issues raised by such objections. Objections should be in the nature of exceptions, should be brief and concise, and should not contain argument or factual data which the objecting party intends to rely on at the hearing in support of its objections.

It is also our intention to officially notice all reports, tariffs and schedules required to be filed with the Board by all air carriers, as well as all public Board reports based on these data,[4] so that these materials need not be specially compiled for the record in this proceeding.

On the basis of the foregoing considerations and the data set forth in Appendixes C, D, E, and F[2] hereof, which are hereby incorporated into this order and shall constitute part of the record in this proceeding, the Board finds that:

1. Ozark is a citizen of the United States of America as defined by section 1 (13) of the act.

2. From January 1, 1953, to June 10, 1955, Ozark was an air carrier providing within the continental limits of the United States, local or feeder service consisting of the carriage of persons, property and mail pursuant to a temporary certificate of public convenience and necessity for route No. 107 issued by the Civil Aeronautics Board, continuously operating as such (except as to interruptions of service over which Ozark had no control)

3. Ozark has continuously served the following terminal and intermediate points during the period from May 19, 1955, to June 10, 1955:

Milwaukee, Wis.	Cape Girardeau, Mo.
Rockford, Ill.	Cairo, Ill.
Davenport, Iowa-Moline, Ill.	Paducah, Ky.
	Nashville, Tenn.
Peoria, Ill.	Columbia, Mo.
Springfield, Ill.	Jefferson City, Mo.
St. Louis, Mo.	Springfield, Mo.
Decatur, Ill.	Joplin, Mo.
Champaign-Urbana, Ill.	Pittsburg, Kans.
	Chanute, Kans.
Danville, Ill.	Wichita, Kans.
Indianapolis, Ind.	Kansas City, Mo.
Chicago, Ill.	Quincy, Illinois-Hannibal, Mo.
Mattoon-Charleston, Ill.	Bloomington, Ill.
Marion-Herrin, Ill.	Clinton, Iowa.

4. The service rendered by Ozark during the period from August 20, 1954, the date of its last certification, to the present has been adequate and efficient within the meaning of section 401 (e) (3) of the act.

5. The following intermediate points, which on the basis of the most recent available data have generated an average of five or more enplaned passengers per day, should be designated as points of unlimited duration:

(a) On Ozark's segment 1, the intermediate points Rockford, Illinois, Davenport, Iowa-Moline, Illinois, Peoria and Springfield, Illinois;

(b) On segment 2, the intermediate points Peoria, Springfield, Decatur, and Champaign-Urbana, Illinois;

(c) On segment 3, the intermediate points Champaign-Urbana, Decatur, and Springfield, Illinois;

(d) On segment 4, the intermediate point Paducah, Kentucky;

(e) On segment 5, the intermediate points Columbia, Jefferson City, Springfield, and Joplin, Missouri;

(f) On segment 6, the intermediate points Jefferson City and Columbia, Missouri, Quincy, Illinois-Hannibal, Missouri, Springfield, Peoria, and Bloomington, Illinois;

(g) On segment 7, the intermediate point Rockford, Illinois.

6. On the basis of the most recent available data the following intermediate points have generated less than an average of five enplaned passengers per day, and therefore have generated insufficient traffic to warrant a finding that the public convenience and necessity requires permanent certification; but that certification of each of said points for a period of three years is warranted:

(a) On Ozark's segment 2, the intermediate point Danville, Illinois;

(b) On segment 3, the intermediate point Mattoon-Charleston, Illinois;

(c) On segment 4, the intermediate points Marion-Herrin, Illinois, Cape Girardeau, Missouri, and Cairo, Illinois;

(d) On segment 5, the intermediate points Pittsburg and Chanute, Kansas;

(e) On segment 7, the intermediate point Clinton, Iowa.

7. The intermediate point Owensboro and the terminal point Louisville, Kentucky, on segment 4 (b), the intermediate point Galesburg, Illinois, on segment 2 and the various terminal and intermediate points on segment 8 are ineligible for certification pursuant to section 401 (e) (3) of the act because they were not served by Ozark during the period May 19, 1955, to June 10, 1955. It is, however, appropriate to include all of Ozark's effective certificate authority in one document, so Ozark's present temporary authority to serve these points should be carried forward in the certificate to be issued in this proceeding.

8. The intermediate point Clarksville, Tennessee-Fort Campbell-Hopkinsville, Kentucky, is ineligible for certification pursuant to section 401 (e) (3) of the act because it was not continuously served by Ozark during the period May 19, 1955, to June 10, 1955. It is, however, appropriate to include all of Ozark's effective certificate authority in one document, so Ozark's present temporary

[3] Amendment No. 1 to Application of Ozark Air Lines, Inc., for Certificate of Unlimited Duration filed September 9, 1955.

[2] Filed as part of original document.

[4] We will also officially notice the Origination-Destination Airline Traffic Surveys published by the Airline Finance and Accounting Conference from information compiled by the Board.

authority to serve this point should be carried forward in the certificate to be issued in this proceeding: *Therefore it is ordered,* That:

1. Ozark is directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue the proposed certificate of public convenience and necessity in the form set forth below as Appendix A, and further issue the proposed supplementary order in the form set forth below as Appendix B;

2. Ozark and any other interested person having objection to the issuance of an order making final the tentative findings and conclusions stated herein, or to the issuance of the aforesaid proposed certificate and supplementary order, shall, within 15 days from the date hereof, file written notice of objection with the Board;

3. On the expiration of the 15-day period allowed for the filing of objections, this proceeding shall be set for immediate hearing before an examiner of this Board. The hearing shall be limited to consideration of issues raised by the objections filed;

4. Copies of this order shall be served on Ozark, the Mayors of Galesburg, Illinois, Fort Campbell, Hopkinsville, Owensboro, and Louisville, Kentucky, Clarksville, Tennessee, Sioux City, Fort Dodge, Waterloo, Mason City, and Dubuque, Iowa, the Mayor of each city served by Ozark during the period May 19, 1955, to June 10, 1955, and on every certificated air carrier serving a point served by Ozark during that period;

5. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

APPENDIX A

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR LOCAL OR FEEDER SERVICE

Ozark Air Lines, Inc., is hereby authorized, subject to the provisions hereinafter set forth, the provisions of Title IV of the Civil Aeronautics Act of 1938, as amended, and the orders, rules and regulations issued thereunder, to engage in air transportation with respect to persons, property and mail, as follows:

1. Between the terminal point Milwaukee, Wis., the intermediate points Rockford, Ill., Davenport, Iowa-Moline, Ill., Peoria and Springfield, Ill., and the terminal point St. Louis, Mo.,

2. Between the terminal point Davenport, Iowa-Moline, Ill., the intermediate points Galesburg, Peoria, Springfield, Decatur, Champaign-Urbana, and Danville, Ill., and the terminal point Indianapolis, Ind.,

3. Between the terminal point Chicago, Ill., the intermediate points Champaign-Urbana and Decatur, Ill., and (a) beyond Decatur, Ill., the intermediate point Springfield, Ill., and the terminal point St. Louis, Mo., and (b) beyond Decatur, Ill., the intermediate point Mattoon - Charleston, Ill., and the terminal point St. Louis, Mo.,

4. Between the terminal point St. Louis, Mo., the intermediate points Marion-Herrin, Ill., Cape Girardeau, Mo., Cairo, Ill. and Paducah, Ky., and (a) beyond Paducah, Ky., the intermediate points Clarksville, Tenn.-Fort Campbell-Hopkinsville, Ky., and the terminal point Nashville, Tenn., and (b) beyond Paducah, Ky., the intermediate point Owensboro, Ky., and the terminal point Louisville, Ky.;

5. Between the terminal point St. Louis, Mo., the intermediate points Columbia, Jefferson City, Springfield, and Joplin, Mo., Pittsburg and Chanute, Kans., and the terminal point Wichita, Kans.,

6. Between the terminal point Kansas City, Mo., the intermediate points Jefferson City and Columbia, Mo., Quincy, Ill.-Hannibal, Mo., and Springfield, Ill., and (a) beyond Springfield, Ill., the intermediate point Peoria, Ill., and the terminal point Chicago, Ill., and (b) beyond Springfield, Ill., the intermediate point Bloomington, Ill., and the terminal point Chicago, Ill.,

7. Between the terminal point Davenport, Iowa-Moline, Ill., the intermediate points Clinton, Iowa, Rockford, Ill., and the terminal point Chicago, Ill.,

8. Between the terminal point Sioux City, Iowa, the intermediate points Fort Dodge, Mason City, Waterloo, and Dubuque, Iowa, and Rockford, Ill., and the terminal point Chicago, Ill.,

to be known as Route No. 107.

The service herein authorized is subject to the following terms, conditions and limitations:

(1) The holder shall render service to and from each of the points named herein, except as temporary suspensions of service may be authorized by the Board; and may begin or terminate, or begin and terminate, trips at points short of terminal points.

(2) The holder may continue to serve regularly any point named herein through the airport last regularly used by the holder to serve such point prior to the effective date of this certificate. Upon compliance with such procedure relating thereto as may be prescribed by the Board, the holder may regularly serve a point named herein through any airport convenient thereto.

(3) On each trip operated by the holder over all or part of one of the eight numbered route segments in this certificate, the holder shall stop at each point named between the point of origin and point of termination of such trip on such segment, except a point or points with respect to which (a) the Board, pursuant to such procedure as the Board may from time to time prescribe, may by order relieve the holder from the requirements of such condition, (b) the holder is authorized by the Board to suspend service, (c) the holder is unable to render service on such trip because of adverse weather conditions or other conditions which the holder could not reasonably have been expected to foresee or control, or (d) the holder has scheduled at least two round trips a day, in which case it may omit such point or points on any additional trip scheduled over all or part of such segment, subject to the restrictions set forth in paragraphs (4) and (5) below.

(4) Except with respect to trips confined to segment seven, the holder shall schedule service to a minimum of two intermediate points between terminals, whether such terminals be on the same or different segments.

(5) The holder shall not schedule nonstop service between Chicago and Springfield, Ill., nor between Peoria, Ill., and St. Louis, Mo.

(6) The holder in operating over segment 5 or 6 may omit service to Jefferson City, Mo., on flights serving Columbia, Mo., or omit service to Columbia, Mo., on flights serving Jefferson City, Mo.

The exercise of the privileges granted by this certificate shall be subject to such other reasonable terms, conditions and limitations required by the public interest as may from time to time be prescribed by the Board.

The services authorized by this certificate were originally established pursuant to a determination of policy by the Civil Aeronautics Board that in the discharge of its obligation to encourage and develop air transportation under the Civil Aeronautics Act, as amended, it is in the public interest to establish certain air carriers who will be primarily engaged in short-haul air transportation as distinguished from the service rendered by trunkline air carriers. In accepting this certificate the holder acknowledges and agrees that the primary purpose of this certificate is to authorize and require it to offer short-haul, local or feeder, air transportation service of the character described above.

This certificate shall be effective on ----------, 1955: *Provided, however,* That prior to the date on which the certificate would otherwise become effective the Board, either on its own initiative or upon the timely filing of a petition or petitions seeking reconsideration of the Board's order of ----------, 1955 (Order E-----) insofar as such order authorizes the issuance of this certificate may by order or orders extend such effective date from time to time.

The authority to serve Cape Girardeau, Mo., Clinton, Iowa, Marion-Herrin, Mattoon-Charleston, Cairo, and Danville, Ill., and Pittsburg and Chanute, Kans., shall continue in effect up to and including ---------. The authority of the holder to serve Owensboro and Louisville, Ky., on segment 4 (b) shall, unless otherwise continued, terminate with final Board action on Eastern's application (Docket No. 4732) in the Additional Southwest-Northeast Service Case, Docket No. 2355 et al. The authority to serve Galesburg, Ill., Clarksville, Tenn., Fort Campbell-Hopkinsville, Ky., and to serve segment 8 shall continue in effect up to and including September 30, 1953.

In witness whereof, the Civil Aeronautics Board has caused this certificate to be executed by its Chairman, and the seal of the Board to be affixed hereto, attested by the Secretary of the Board, on the -- day of ---------- 1955.

[SEAL] ROSS RIZLEY,
Chairman.

Attest:

----------,
Secretary.

APPENDIX B

PROPOSED DRAFT OF ORDER EXTENDING EFFECTIVE PERIOD OF TEMPORARY SERVICE AUTHORIZATIONS

The Board has by Order E-__, dated ---------, 1955, granted a certificate of public convenience and necessity of unlimited duration to Ozark Air Lines, Inc. (Ozark), authorizing Ozark to engage in air transportation of persons, property and mail over route No. 107. In the past, Ozark has been authorized to conduct operations differing in certain particulars from the authority stated in its temporary certificate of public convenience and necessity for route No. 107.

The term of effectiveness of some of these authorizations is unlimited, while others would expire at the end of a stated period. The reasons for issuance of these temporary authorizations appear to be still applicable to Ozark in its operation under the certificate of unlimited duration concurrently issued herewith. It, therefore, appears to the Board that it is in the public interest and consistent with the Act to continue these outstanding temporary authorizations in effect for an additional period of time. In extending these authorizations, it appears desirable to include all currently effective authorizations which are not included in or disposed of in the new certificate in one order which will become effective at the same time the new certificate of unlimited duration becomes effective.

Accordingly, the Board, acting pursuant to section 205 (a) of the Civil Aeronautics Act of 1938, as amended, and to § 292.4 and Part 205 of its Economic Regulations, finds:

1. That the enforcement of the condition in Ozark's certificate which requires it on each flight over all or part of the several numbered route segments on route No. 107 to stop at each point named between the point of origin and the point of termination of such flight unless otherwise authorized by the Board, to the extent that it would prevent the service pattern hereinafter authorized, would prevent a service pattern which is in the public interest and which is consistent with Ozark's performance of a local or feeder air transportation service and is not required by nor is it in the public interest;

2. That the temporary suspensions of service authorized hereinafter do not substantially change the character of the service for which the certificate of public convenience and necessity of unlimted duration is being granted to Ozark and are otherwise is in the public interest: *Accordingly, it is ordered,* That:

1. Ozark be and hereby is authorized to suspend service temporarily at Chanute Municipal Airport, Chanute, Kansas, until such time as adequate runway repairs have been made (previously authorized by Order E-9444);

2. Ozark be and hereby is authorized to suspend service temporarily at Columbia, Missouri, on segments 5 and 6 on its route No. 107 until the runway at Columbia Municipal Airport is made safe for scheduled service (previously authorized by Order E-9507);

3. Ozark be and hereby is authorized to render flag-stop service on its route No. 107 by omitting the physical landing of its aircraft at any intermediate point scheduled to be served on a particular flight: *Provided,* That there are no persons, property or mail on the aircraft destined for such point and no such traffic available at such point for the flight at the scheduled time of departure: *Provided, further* That the Board in its discretion may at any time disapprove the use of such authority with respect to service to any point on any flight or flights (previously authorized by Order E-6477);

4. The authority previously granted to Ozark by Orders E-6477, E-9444, and E-9507 shall be terminated on the date this order and the certificate of public convenience and necessity of unlimited duration for route No. 107 being issued to Ozark concurrently with the issuance of this order become effective.

5. The change in service pattern and temporary suspension authorizations granted herein shall become effective ------, ------, concurrently with the effective date of the certificate issued to Ozark in Docket No. 7206;

6. This order or any part thereof may be amended or revoked at any time in the discretion of the Board without notice and without hearing.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 55-8356; Filed, Oct. 13, 1955; 8:45 a. m.]

[Docket No. 7355; Order No. E-9633]

ALLEGHENY AIRLINES, INC.

STATEMENT OF TENTATIVE FINDINGS AND CONCLUSIONS AND ORDER TO SHOW CAUSE [1]

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 7th day of October 1955.

In the matter of the application of Allegheny Airlines, Inc., under section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity of unlimited duration for Route No. 97.

Allegheny Airlines, Inc. (Allegheny), on August 12, 1955, filed an application pursuant to section 401 (e) (3) of the Civil Aeronautics Act of 1938, as amended (the act) requesting the Board to issue Allegheny a certificate of public convenience and necessity of unlimited duration for Route No. 97 authorizing air transportation of persons, property and mail between certain named points.

Section 401 (e) (3) of the act (effective May 19, 1955) provides: "If any applicant who makes application for a certificate within one hundred and twenty days after the date of enactment of this paragraph shall show that, from January 1, 1953, to the date of its application, it or its predecessor in interest, was an air carrier furnishing, within the continental limits of the United States, local or feeder service consisting of the carriage of persons, property, and mail, under a temporary certificate of public convenience and necessity issued by the Civil Aeronautics Board, continuously operating as such (except as to interruptions of service over which the applicant or its predecessors in interest have no control) the Board, upon proof of such fact only shall, unless the service rendered by such applicant during the period since its last certification has been inadequate and inefficient, issue a certificate or certificates of unlimited duration, authorizing such applicant to engage in air transportation between the terminal and intermediate points within the continental limits of the United States between which it, or its predecessor, so continuously operated between the date of enactment of this paragraph and the date of its application: *Provided,* That the Board in issuing the certificate is empowered to limit the duration of the certificate as to not over one-half of the intermediate points named therein, which points it finds have generated insufficient traffic to warrant a finding that the public convenience and necessity requires permanent certification at such time."

Allegheny alleges in its application that it is a citizen of the United States of America as defined by section 1 (13) of the act. Proof of this fact has been submitted by Allegheny in other certification proceedings and no information to the contrary has since come to the knowledge of the Board.

Allegheny further alleges in its application that it has continuously operated as an air carrier furnishing local or feeder air transportation of persons, property and mail within the continental limits of the United States during the period January 1, 1953, to the date of its application under a temporary certificate of public convenience and necessity for route No. 97 issued by the Board, except as to interruptions of service over which it had no control. The various schedules and reports required to be filed with the Board by local service carriers indicate that Allegheny has so continuously operated since January 1, 1953.

Section 401 (e) (3) of the act requires in effect that the Board find as a prerequisite to the granting of a certificate of unlimited duration to Allegheny that the service rendered by Allegheny during the period since its last certification has not been inadequate or inefficient. The carrier in its application for such certificate filed August 12, 1955, alleges its service rendered during the aforesaid period has been adequate and efficient. The Board during the said period has received no complaints from the public relating to the overall service provided by this carrier. The Board is possessed of no information from which it could find that, considered as a whole, the service provided by this carrier during the period from April 10, 1953, the date of Allegheny's last certificate for route No. 97, to the present has been inadequate or inefficient within the meaning of section 401 (e) (3) of the act.

Allegheny further alleges in its application that it has from the date of the enactment of section 401 (e) (3) (May 19, 1955) to the date of its application, continuously served the following terminal and intermediate points:

Washington, D. C.
Baltimore, Md.
Hagerstown, Md.
Altoona, Pa.
Johnstown, Pa.
Pittsburgh, Pa.
Cumberland, Md.
Easton-Cambridge, Md.
Salisbury, Md.
Georgetown-Rehoboth Beach, Del.[2]
Cape May, N. J.
Dover, Del.
Atlantic City, N. J.
Asbury Park-Long Branch-Monmouth Beach, N. J.
New York, N. Y.
Newark, N. J.
Harrisburg, Pa.
Scranton-Wilkes-Barre, Pa.
Lancaster, Pa.
Wilmington, Del.
Philadelphia, Pa.-Camden, N. J.
Oil City-Franklin, Pa.
Bradford, Pa.
Jamestown, N. Y.
Buffalo, N. Y.
Wheeling, W. Va.
Parkersburg, W. Va.
Huntington, W. Va.
Clearfield-DuBois-Philipsburg, Pa.
Bellefonte-State College, Pa.
Lock Haven, Pa.
Williamsport, Pa.
Cleveland, Ohio.
Erie, Pa.

Allegheny is authorized by its present temporary certificate of public convenience and necessity to provide air service to Georgetown-Rehoboth Beach, Delaware, commencing not earlier than June 1 or later than June 15 and terminating not earlier than September 1 or later than September 15, inclusive of each year, except that the Board may enlarge said period if the Board determines that said period does not permit adequate seasonal service. Although Georgetown-Rehoboth Beach was not continuously served during the period May 19, 1955, to the date of Allegheny's

[1] This statement does not necessarily represent the views of all Members of the Board with respect to all issues.

[2] Seasonal operation.

application, we believe the point is eligible for certification in the present proceeding as a point continuously served during the period of its seasonal authorization. Since the purpose of the amendment to the act appears to be the desire of Congress to preserve services as previously operated, we do not believe section 401 (e) (3) should be interpreted to exclude points continuously served on a seasonal basis during particular months of the year which do not coincide with the period established by the act, namely May 19, 1955, to August 12, 1955. See Mayflower Airlines, Inc.—Grandfather Certificate, 2 CAB 175 (1940)

Section 401 (e) (3) provides in effect that all terminal points served by the local service carrier applicant during the period from May 19, 1955, to August 12, 1955, shall be certificated for a period of unlimited duration. The certificate we propose to issue to Allegheny (which is set forth below as Appendix A) accomplishes this.

Section 401 (e) (3) empowers the Board to limit the duration of the certificate as to not over one-half of the intermediate points named therein, which points the Board finds have generated insufficient traffic to warrant a finding that the public convenience and necessity require permanent certification. The Board has proposed an industry-wide traffic standard upon which to base a tentative conclusion as to whether a particular intermediate point should be permanently or temporarily certificated. A standard which can be applied on an industry-wide basis will assure that all the intermediate cities are equitably treated. The Board has concluded, on the basis of an analysis of the latest available traffic data, that an average of five or more passengers enplaned per day provides a reasonable basis for selection of those intermediate points to be permanently certificated at this time.

As indicated above, the recent amendment of the act provides for the certification for an unlimited duration of all terminal points and of at least one-half of the intermediate points named in the certificate. This means that in the future the applicant carrier will be providing services over permanently certificated segments. During the years of local service carrier experience, the Board, in consideration of the subsidized nature of the operation, has found that on-line intermediate points generating in the neighborhood of 300 passengers on and off monthly have borne a reasonable share of the expense incurred by the carrier in providing service to the intermediate point on existing flights. In the past, the Board has also found that local service carrier points generating in the neighborhood of five or more enplaned passengers per day have warranted recertification. This leads us to conclude that in the absence of a further showing, the five passenger per day standard is a reasonable one for selecting those intermediate points to be permanently certificated.

The proposed certificate which is set forth below as Appendix A grants Allegheny permanent authority at those intermediate stations shown in Appendixes C, D, and E,[3] to have met this five-passenger per day standard and temporary authority at all other intermediate stations served by Allegheny during the period May 19, 1955, to August 12, 1955. Appendixes C and D set forth in tabular form, the average number of daily passengers enplaned at each Allegheny intermediate point for the calendar year 1954 and for the twelve-month periods ended March 31, 1955, and June 30, 1955. The average number of passengers enplaned at intermediate points generating less than five passengers per day is set forth in Appendix E on a quarterly basis for the years 1952, 1953, 1954, and for the twelve-month periods ended March 31, 1955, and June 30, 1955.

The Board believes that except for cities presenting special considerations warranting permanent certification, those intermediate points which have generated less than five enplaned passengers per day should be certificated for a temporary period of three years. Certification for this period will enable the Board to assess the future traffic development at these points and to consider at a later time whether or not they should be made permanent. These cities will be afforded an opportunity before the expiration of the temporary period to demonstrate their ability to generate a sufficient volume of traffic to warrant permanent certification or continuation of service for a further temporary period.

It is also the Board's tentative conclusion that under the provisions of section 401 (e) (3) of the act a point named in Allegheny's presently effective certificate of public convenience and necessity for route No. 97 which has never been served by Allegheny, is not eligible for inclusion as a point in any certificate that may be issued to Allegheny pursuant to said section of the act.

Thus, the certificate which the Board proposes to issue to Allegheny pursuant to section 401 (e) (3) of the act, will carry forward Allegheny's authority to serve Stroudsburg-East Stroudsburg, Pennsylvania, only for the term of its present temporary authorization. The presently effective temporary suspension of service at this point is being continued by the proposed supplementary order set forth below as Appendix B.

The Board further tentatively concludes that a point which has been authorized for service by the Board by certificate amendment or by temporary exemption authorization becoming effective before or during the statutory grandfather period but which point was served by the carrier pursuant to that authority during part but not all of the statutory grandfather period is ineligible for permanent certification pursuant to section 401 (e) (3) of the act because the point was not continuously served during the statutory grandfather period. See Pan American Airways, Inc.—Certificate of Public Convenience and Necessity, 2 C. A. B. 111 (1940) The Board will, therefore, carry forward the carrier's present temporary authority to serve such points for the term of the temporary authorization.

[3] Filed as part of original document.

Thus, the proposed certificate set forth below as Appendix A carries forward Allegheny's temporary certificate authority to serve the intermediate point Trenton, New Jersey, and the coterminal points New York, New York, and Newark, New Jersey, on segment 3 for the term of Allegheny's present temporary authorization. Allegheny's present temporary exemption authority to serve the intermediate points Oil City-Franklin, Clearfield-DuBois-Philipsburg, and Bellefonte-State College, Pennsylvania, on segment 7 will be carried forward in the proposed supplementary order set forth below as Appendix B for the term of its present temporary authorization.

The Board tentatively concludes that where since the last certificate issued to this carrier, the Board has authorized Allegheny, by exemption, to provide service between points named on separate legs of a route segment, the points are eligible to be certificated pursuant to section 401 (e) (3) of the act as served by the carrier during the period May 19, 1955 to August 12, 1955.

Thus, the Board proposes to require Allegheny to show cause why Cumberland, Maryland and Altoona, Pennsylvania, should not be certificated as successive intermediate points on segment 1.

The Board further believes that the general terms and conditions set forth in the certificate of public convenience and necessity last issued by the Board to Allegheny may not be expanded in a certificate to be issued pursuant to section 401 (e) (3) of the act in such manner as to grant authority to said carrier in excess of that set forth in the certificate of public convenience and necessity last issued to this carrier.

The Board does not believe that authority granted to Allegheny pursuant to § 202.4 and Part 205 of the Economic Regulations of the Board or by temporary exemption, subsequent to the issuance of the last certificate of public convenience and necessity issued by the Board to said air carrier permitting on-segment changes in the service pattern should be incorporated in a certificate issued to Allegheny pursuant to section 401 (e) (3) of the act. In the interest of convenience and clarity the Board will restate the carrier's outstanding service pattern modifications in a single order, a draft of which is set forth below as Appendix B.

It is our intention to strictly limit this proceeding to a consideration of issues directly pertaining to the grant, pursuant to section 401 (e) (3) of the act, of permanent or temporary authority to serve points served by Allegheny during the period from May 19, 1955, to August 12, 1955. We believe the public interest requires expeditious disposition of the proceeding and are therefore adopting a procedure intended to shorten the proceeding while at the same time fully protecting the interests of all interested persons. We are requiring Allegheny to show cause why the Board should not issue an order making final the tentative findings and conclusions set forth in this order and issue a certificate of public convenience and necessity in the form set forth below as Appendix A. After

allowing interested persons a reasonable period within which to submit objections to the Board's order, Allegheny's application and the order to show cause will be set for immediate hearing in Washington before a hearing examiner of the Board. Allegheny and all interested persons who desire to be heard in connection with this matter are hereby notified that they may file written objection to the Board's tentative findings and conclusions within 15 days from the date of this order. The hearing will be limited to consideration of the issues raised by such objections. Objections should be in the nature of exceptions, should be brief and concise, and should not contain arguments or factual data which the objecting party intends to rely on at the hearing in support of its objections.

It is also our intention to officially notice all reports, tariffs and schedules required to be filed with the Board by all air carriers, as well as all public Board reports based on these data,[4] so that these materials need not be specially compiled for the record in this proceeding.

On the basis of the foregoing considerations and the data set forth in Appendixes C, D, E, and F[3] hereof, which are hereby incorporated into this order and shall constitute part of the record in this proceeding, the Board finds that:

1. Allegheny is a citizen of the United States of America as defined by section 1 (13) of the act.

2. From January 1, 1953, to August 12, 1955, Allegheny was an air carrier providing within the continental limits of the United States, local or feeder service consisting of the carriage of persons, property and mail pursuant to a temporary certificate of public convenience and necessity for route No. 97 issued by the Civil Aeronautics Board, continuously operating as such (except as to interruptions of service over which Allegheny had no control)

3. Allegheny has continuously served the following terminal and intermediate points during the period from May 19, 1955, to August 12, 1955:

Washington, D. C.
Baltimore, Md.
Hagerstown, Md.
Altoona, Pa.
Johnstown, Pa.
Pittsburgh, Pa.
Cumberland, Md.
Easton-Cambridge, Md.
Salisbury, Md.
Georgetown-Rehoboth Beach, Del.[2]
Cape May, N. J.
Dover, Del.
Atlantic City, N. J.
Asbury Park-Long Branch-Monmouth Beach, N. J.
New York, N. Y.
Newark, N. J.
Harrisburg, Pa.
Scranton-Wilkes-Barre, Pa.
Lancaster, Pa.
Wilmington, Del.
Philadelphia, Pa.-Camden, N. J.
Oil City-Franklin, Pa.
Bradford, Pa.
Jamestown, N. Y.
Buffalo, N. Y.
Wheeling, W. Va.
Parkersburg, W. Va.
Huntington, W. Va.
Clearfield-DuBois-Philipsburg, Pa.
Bellefonte-State College, Pa.
Lock Haven, Pa.
Williamsport, Pa.
Cleveland, Ohio.
Erie, Pa.

4. Allegheny has continuously served the intermediate point Georgetown-Rehoboth Beach, Delaware, during the period of its seasonal authorization and Georgetown-Rehoboth Beach is a point eligible for certification on a seasonal basis pursuant to section 401 (e) (3) of the act.

5. The service rendered by Allegheny during the period from April 10, 1953, the date of its last certification, to the present has been adequate and efficient within the meaning of section 401 (e) (3) of the act.

6. The following intermediate points, which, on the basis of the most recent available data have generated an average of five or more enplaned passengers per day, should be designated as points of unlimited duration:

(a) On Allegheny's segment 1, the intermediate points Hagerstown, Maryland, Altoona and Johnstown, Pennsylvania,

(b) On segment 2, the intermediate points Salisbury, Maryland, Georgetown-Rehoboth Beach, Delaware, Cape May and Atlantic City, New Jersey·

(c) On segment 3, the intermediate points Johnstown, Altoona, Harrisburg, and Lancaster, Pennsylvania, and Philadelphia, Pennsylvania-Camden, New Jersey·

(d) On segment 4, the intermediate points Oil City-Franklin and Bradford, Pennsylvania, and Jamestown, New York;

(e)· On segment 5, the intermediate points Wheeling and Parkersburg, West Virginia,

(f) On segment 6, the intermediate points Johnstown, Altoona, Clearfield-DuBois-Philipsburg, Bellefonte-State College, Williamsport, and Scranton-Wilkes-Barre, Pennsylvania;

(g) On segment 7, the intermediate points Jamestown, New York, Erie, Bradford, Williamsport, Scranton-Wilkes-Barre, Harrisburg, and Lancaster, Pennsylvania.

7. On the basis of the most recent available data the following intermediate points have generated less than an average of five enplaned passengers per day, and therefore have generated insufficient traffic to warrant a finding that the public convenience and necessity requires permanent certification; but that certification of each of said points for a period of three years is warranted:

(a) On Allegheny's segment 1, the intermediate point Cumberland, Maryland;

(b) On segment 2, the intermediate points Easton-Cambridge, Maryland, Dover, Delaware, and Asbury Park-Long Branch-Monmouth Beach, New Jersey·

(c) On segment 3, the intermediate point Wilmington, Delaware;

(d) On segment 6, the intermediate point Lock Haven, Pennsylvania;

(e) On segment 7, the intermediate point Wilmington, Delaware.

8. The intermediate point Stroudsburg-East Stroudsburg, Pennsylvania, is ineligible for certification pursuant to section 401 (e) (3) of the act because the point was never served by Allegheny. It is, however, appropriate to include all Allegheny's effective certificate authority in one document, so Allegheny's present authority to serve Stroudsburg-East Stroudsburg should be carried forward in the certificate to be issued in this proceeding.

9. The intermediate point Trenton, New Jersey, and the coterminal points New York, New York, and Newark, New Jersey, on segment 3 are ineligible for certification pursuant to section 401 (e) (3) of the act because they were not continuously served during the period May 19, 1955, to August 12, 1955. Allegheny's present authority to serve these points should, however, be carried forward in the certificate to be issued in this proceeding for the term of its present temporary authorization.

10. The intermediate points Oil City-Franklin, Clearfield-DuBois-Philipsburg, and Bellefonte-State College, Pennsylvania, on segment 7 are ineligible for certification pursuant to section 401 (e) (3) of the act because they were not continuously served during the period May 19, 1955, to August 12, 1955. Allegheny's present authority to serve these points on segment 3 should, however, be carried forward in the supplementary order to be issued in this proceeding for the term of its present temporary authorization: *Therefore it is ordered*, That:

1. Allegheny is directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and issue the proposed certificate of public convenience and necessity in the form set forth below as Appendix A, and further issue the proposed supplementary order in the form set forth below as Appendix B;

2. Allegheny and any other interested person having objection to the issuance of an order making final the tentative findings and conclusions stated herein, or to the issuance of the aforesaid proposed certificate and supplementary order, shall, within 15 days from the date hereof, file written notice of objection with the Board;

3. On the expiration of the 15-day period allowed for the filing of objections, this proceeding shall be set for immediate hearing before an examiner of this Board. The hearing shall be limited to consideration of issues raised by the objections filed;

4. Copies of this order shall be served on Allegheny, the Mayor of Stroudsburg-East Stroudsburg, Pennsylvania, the Mayor of each city served by Allegheny on route No. 97 during the period May 19, 1955, to August 12, 1955, and on every certificated air carrier serving a point served by Allegheny on route No. 97 during that period;

[2] Seasonal operation.

[3] Filed as part of the original document.

[4] We will also officially notice the Origination-Destination Airline Traffic Surveys published by the Airline Finance and Accounting Conference from information compiled by the Board.

5. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

APPENDIX A

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR LOCAL OR FEEDER SERVICE

Allegheny Airlines, Inc., is hereby authorized, subject to the provisions hereinafter set forth, the provisions of Title IV of the Civil Aeronautics Act of 1938, as amended, and the orders, rules, and regulations issued thereunder, to engage in air transportation with respect to persons, property and mail, as follows:

1. Between the coterminal points Washington, D. C., and Baltimore, Md., the intermediate points Hagerstown and Cumberland, Md., Altoona and Johnstown, Pa., and the terminal point Pittsburgh, Pa.,

2. Between the coterminal points Washington, D. C., and Baltimore, Md., the intermediate points Easton-Cambridge and Salisbury, Md., Georgetown-Rehoboth Beach, Del., Cape May, N. J., Dover, Del., Atlantic City and Asbury Park-Long Branch-Monmouth Beach, N. J., and the coterminal points New York, N. Y.-Newark, N. J.,

3. Between the terminal point Pittsburgh, Pa., the intermediate points Johnstown, Altoona and Harrisburg, Pa., and (a) beyond Harrisburg, Pa., the terminal point Scranton-Wilkes-Barre, Pa., and (b) beyond Harrisburg, Pa., the intermediate points Lancaster, Pa., Wilmington, Del., Philadelphia, Pa.-Camden, N. J., and (1) beyond Philadelphia, Pa.-Camden, N. J., the intermediate point Trenton, N. J., and the coterminal points New York, N. Y.-Newark, N. J., and (ii) beyond Philadelphia, Pa.-Camden, N. J., the terminal point Atlantic City, N. J.,

4. Between the terminal point Pittsburgh, Pa., the intermediate points Oil City-Franklin and Bradford, Pa., Jamestown, N. Y., and the terminal point Buffalo, N. Y.,

5. Between the terminal point Pittsburgh, Pa., the intermediate points Wheeling and Parkersburg, W. Va., and the terminal point Huntington, W. Va.,

6. Between the terminal point Pittsburgh, Pa., the intermediate points Johnstown, Altoona, Clearfield-Dubois-Philipsburg, Bellefonte-State College, Lock Haven, Williamsport, Scranton-Wilkes-Barre, and Stroudsburg-East Stroudsburg, Pa., and the coterminal points Newark, N. J., and New York, N. Y.,

7. Between the terminal point Cleveland, Ohio, the intermediate points Erie, Pa., Jamestown, N. Y., Bradford and Williamsport, Pa., and (a) beyond Williamsport, Pa., the intermediate points Scranton-Wilkes-Barre and Stroudsburg-East Stroudsburg, Pa., and the coterminal points New York, N. Y., and Newark, N. J., and (b) beyond Williamsport, the intermediate points Harrisburg and Lancaster, Pa., Wilmington, Del., and the terminal point Philadelphia, Pa.-Camden, N. J.,

to be known as Route No. 97.

The service herein authorized is subject to the following terms, conditions and limitations:

(1) The holder shall render service to and from each of the points named herein, except as temporary suspensions of service may be authorized by the Board; and may begin or terminate, or begin and terminate, trips at points short of terminal points.

(2) The holder may continue to serve regularly any point named herein through the airport last regularly used by the holder to serve such point prior to the effective date of this certificate. Upon compliance with such procedure relating thereto as may be prescribed by the Board, the holder may, in addition to the service hereinabove expressly prescribed, regularly serve a point named herein through any airport convenient thereto.

(3) On each trip operated by the holder over all or part of one of the seven numbered route segments in this certificate, the holder shall stop at each point named between the point of origin and point of termination of such trip on such segment, except a point or points with respect to which (a) the Board, pursuant to such procedure as the Board may from time to time prescribe, may by order relieve the holder from the requirements of such condition, (b) the holder is authorized by the Board to suspend service, or (c) the holder is unable to render service on such trip because of adverse weather conditions or other conditions which the holder could not reasonably have been expected to foresee or control.

(4) Notwithstanding the provisions of paragraph (3) above, the holder on each trip scheduled over all or part of Segments 2, 3, 6, and 7 may omit a point or points subject to the following conditions:

(a) A minimum of four intermediate points shall be scheduled to be served on each trip scheduled between Cleveland, Ohio, on the one hand, and New York, N. Y./Newark, N. J., or Philadelphia, Pa.-Camden, N. J., on the other hand;

(b) A minimum of three intermediate points shall be scheduled to be served on each trip scheduled between New York, N. Y./Newark, N. J., and Washington, D. C./Baltimore, Md., between Pittsburgh, Pa., and Atlantic City, N. J., and between Pittsburgh, Pa., and New York, N. Y./Newark, N. J.,

(c) A minimum of two intermediate points shall be scheduled to be served on each trip scheduled between Bradford, Pa., and New York, N. Y./Newark, N. J., and between Bradford, Pa., and Philadelphia, Pa.-Camden, N. J.,

(d) A minimum of one intermediate point shall be scheduled to be served on each trip scheduled between Atlantic City, N. J., and New York, N. Y./Newark, N. J., between Atlantic City, N. J., and Washington, D. C./Baltimore, Md., between Harrisburg, Pa., and Pittsburgh, Pa., between Harrisburg, Pa., and New York, N. Y./Newark, N. J., and between Bradford, Pa. and Cleveland, Ohio.

(5) The authority granted in paragraph (4) above to operate skip-stop service on Segment 6 is subject to the condition that at least two round trips per day shall be scheduled to serve every intermediate point on such segment.

(6) The authority granted in paragraph (4) above to operate skip-stop service on Segment 3 between Harrisburg, Pa., and the co-terminal points New York, N. Y., and Newark, N. J., is subject to the condition that at least two round trips per day shall be scheduled to serve Trenton, N. J.

(7) The intermediate points Georgetown-Rehoboth Beach, Del., Cape May, N. J., and Stroudsburg-East Stroudsburg, Pa., shall only be served during the period commencing not earlier than June 1 or later than June 15 and terminating not earlier than September 1 or later than September 15, inclusive of each year, except that the Board may enlarge said period if the Board determines that said period does not permit adequate seasonal service.

(8) Notwithstanding the provisions of paragraph (3) of these terms, conditions and limitations, the holder may render nonstop service between Hagerstown, Md., on the one hand, and Altoona, Pa., on the other hand, and between Cumberland, Md., on the one hand, and Johnstown, Pa., on the other hand.

The exercise of the privileges granted by this certificate shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

The services authorized by this certificate were originally established pursuant to a determination of policy by the Civil Aeronautics Board that in the discharge of its obligation to encourage and develop air transportation under the Civil Aeronautics Act, as amended, it is in the public interest to establish certain air carriers who will be primarily engaged in short-haul air transportation as distinguished from the service rendered by trunkline air carriers. In accepting this certificate the holder acknowledges and agrees that the primary purpose of this certificate is to authorize and require it to offer short-haul, local or feeder, air transportation service of the character described above.

The certificate shall be effective on _____, 1955: *Provided, however,* That prior to the date on which the certificate would otherwise become effective the Board, either on its own initiative or upon the timely filing of a petition or petitions seeking reconsideration of the Board's order of _____, 1955 (Order E-_____) insofar as such order authorizes the issuance of this certificate may by order or orders extend such effective date from that time. The authorization to serve Cumberland and Easton-Cambridge, Md., Dover and Wilmington, Del., Asbury Park-Long Branch-Monmouth Beach, N. J., and Lock Haven, Pa., shall continue in effect up to and including _____. The authorization to serve Stroudsburg-East Stroudsburg, Pa., the authorization to serve the intermediate point Trenton, N. J., and the coterminal points New York, N. Y., and Newark, N. J., on segment 3; condition (6), above; and condition (4) (d), above, insofar as it pertains to service between Harrisburg, Pa., and New York, N. Y./Newark, N. J., shall continue in effect up to and including December 31, 1956.

In witness whereof, the Civil Aeronautics Board has caused this certificate to be executed by its Chairman, and the seal of the Board to be affixed hereto, attested by the Secretary of the Board, on the day of _____, 1955.

[SEAL] ROSS RIZLEY,
Chairman.

Attest:

_____,
Secretary.

APPENDIX B

PROPOSED DRAFT OF ORDER EXTENDING EFFECTIVE PERIOD OF TEMPORARY SERVICE AUTHORIZATIONS

The Board has by Order E-__, dated _____ 1955, granted a certificate of public convenience and necessity of unlimited duration to Allegheny Airlines, Inc. (Allegheny) authorizing Allegheny to engage in air transportation of persons, property, and mail over route No. 97. In the past, Allegheny has been authorized to conduct operations differing in certain particulars from the authority stated in its temporary certificate of public convenience and necessity for route No. 97.

The term of effectiveness of some of these authorizations is unlimited, while others would expire sixty days after final determination by the Board in any proceeding involving renewal of route No. 97 or at the end of a stated period. The reasons for issuance of these temporary authorizations appear to be still applicable to Allegheny in its operation under the certificate of unlimited duration concurrently issued herewith. It, therefore, appears to the Board that it is in the public interest and consistent with the act to continue these outstanding temporary authorizations in effect for an additional period of time. In extending these authorizations, it appears desirable to include all currently effective authorizations which are not included in or disposed of in the new certificate in one order which will become effective at the same time the new

certificate of unlimited duration becomes effective.

Accordingly, the Board, acting pursuant to sections 205 (a) and 416 (b) of the Civil Aeronautics Act of 1938, as amended, and to § 202.4 and Part 205 of its Economic Regulations, finds:

1. That the enforcement of the provisions of section 401 (a) of the act and of Allegheny's certificate, insofar as it would otherwise prevent the operations hereinafter authorized, would be an undue burden upon Allegheny by reason of the limited extent of, or unusual circumstances affecting its operations and is not in the public interest;

2. That the enforcement of the condition in Allegheny's certificate which requires it on each flight over all or part of the several numbered route segments on route No. 97 to stop at each point named between the point of origin and the point of termination of such flight unless otherwise authorized by the Board, to the extent that it would prevent the service pattern hereinafter authorized, would prevent a service pattern which is in the public interest and which is consistent with Allegheny's performance of a local or feeder air transportation service and is not required by nor is it in the public interest;

3. That the temporary suspensions of service authorized hereinafter do not substantially change the character of the service for which the certificate of public convenience and necessity of unlimited duration is being granted to Allegheny and are otherwise in the public interest;

4. The authority granted by Order E–7969, December 16, 1953, insofar as it authorized Allegheny to serve Cumberland, Maryland and Altoona, Pennsylvania, on the same flight on segment 1 of route No. 97 should and will be terminated because Cumberland and Altoona are included as successive intermediate points on segment 1 of the certificate being issued to Allegheny concurrently with this order; *Accordingly, it is ordered,* That:

1. Allegheny be and hereby is authorized to continue temporary suspension of service at Stroudsburg-East Stroudsburg, Pennsylvania, an intermediate point on its route No. 97 until such time as adequate airport facilities are available at said point for scheduled air operations by Allegheny (previously authorized by Order E–7452);

2. a. Allegheny be and hereby is temporarily exempted from the provisions of section 401 of the act and the terms and conditions of its certificate of public convenience and necessity insofar as they would otherwise require Allegheny on each trip scheduled between Bradford, Pa., and New York, N. Y./Newark, N. J., or Philadelphia, Pa./Camden, N. J., to schedule service to a minimum of two intermediate points, and on each trip scheduled between Bradford, Pa., and Cleveland, Ohio, to schedule service to a minimum of one intermediate point, such exemption to continue in effect for such period of time as service by United at Bradford is suspended;

b. Allegheny be and hereby is temporarily exempted from the provisions of section 401 of the act and the terms and conditions of its certificate of public convenience and necessity to the extent necessary to permit it on trips scheduled between Cleveland, Ohio, on the one hand, and New York, N. Y./Newark, N. J., or Philadelphia, Pa./Camden, N. J., on the other hand, to omit service to all intermediate points in excess of three;

c. The authority granted in paragraphs (a) and (b) above is subject to the condition that at least two round trips per day shall be scheduled to serve every intermediate point on segment 7 (previously authorized by Order E–8549);

3. Allegheny be and hereby is temporarily exempted from the terms of its certificate insofar as they would otherwise prevent it from overflying Johnstown and Altoona, Pennsylvania, on flight scheduled over segment 6 of route No. 97; *Provided,* That Allegheny serve Altoona and Johnstown on at least four daily round trips and provide at least one daily westbound flight from Clearfield/DuBois/Philipsburg to Pittsburgh via Johnstown; *And, provided, further,* That Allegheny shall operate at least one daily single-plane, round-trip service between Johnstown and Altoona, on the one hand, and Scranton-Wilkes-Barre and New York/Newark, on the other hand. This authority shall terminate one year from September 24, 1954 (previously authorized by Order E–8651);

4. Allegheny be and hereby is temporarily exempted from the provisions of section 401 of the Act and the terms of its certificate of public convenience and necessity, with respect to segment 6 of route No. 97, insofar as they would otherwise require Allegheny during the period of the year when daylight saving time is not in effect to schedule service to Lock Haven, Pennsylvania, in excess of one daily round-trip flight (previously authorized by Order E–8872);

5. Allegheny be and hereby is temporarily exempted from the provisions of section 401 (a) of the Act, and the terms, conditions and restrictions of its temporary certificate insofar as they would otherwise prevent Allegheny from serving Oil City-Franklin, Clearfield-DuBois-Philipsburg, and Bellefonte-State College on one round-trip flight scheduled daily over segment 7 of route No. 97 between the terminal points Cleveland and Philadelphia/Camden, and from serving Oil City-Franklin on one round-trip flight scheduled daily over segment 7 between the terminal points Cleveland and New York. This authority shall expire one year from April 27, 1955 (previously authorized by Order E–9141);

6. Allegheny be and hereby is authorized to conduct nonstop service between Pittsburgh, Pennsylvania, and Atlantic City, New Jersey, over segment 3 of its route No. 97: *Provided,* That Allegheny continues to operate the quantity of service presently provided to intermediate points on trips operating between Pittsburgh and Atlantic City. This authority shall remain in effect through September 30, 1955 (previously authorized by Order E–9260);

7. Allegheny be and hereby is authorized to extend its service to and from Cape May, New Jersey, until November 1, 1955, on a trial basis for the 1955 summer season (previously authorized by Order E–9571);

8. Allegheny be and hereby is authorized to render flag-stop service on its route No. 97 by omitting the physical landing of its aircraft at any intermediate point scheduled to be served on a particular flight: *Provided,* That there are no persons, property or mail on the aircraft destined for such point and no such traffic available at such point for the flight at the scheduled time of departure: *Provided, further,* That the Board in its discretion may at any time disapprove the use of such authority with respect to service to any point on any flight or flights (previously authorized by Orders E–3920 and E–6139);

9. The authority previously granted to Allegheny by Orders E–3920 and E–6139 insofar as they pertain to Allegheny E–7452, E–7969, E–8549, E–8651, E–8872, E–9141, E–9260, and E–9571, shall be terminated on the date this order and the certificate of public convenience and necessity of unlimited duration for route No. 97 being issued to Allegheny concurrently with the issuance of this order become effective;

10. The change in service pattern, temporary suspension and temporary exemption authorizations granted herein shall become effective ----------, ---------, concurrently with the effective date of the certificate issued to Allegheny in Docket No. 7355;

11. This order or any part thereof may be amended or revoked at any time in the discretion of the Board without notice and without hearing.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 55–8357; Filed, Oct. 13, 1955; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

DESCRIPTION OF ORGANIZATION

TRANSPORT MOBILIZATION STAFF

OCTOBER 10, 1955.

The following is added to the description of the organization of bureaus and offices of the Interstate Commerce Commission:

Transport Mobilization Staff. This staff, under the direction of the Commissioner who is responsible for the supervision of the Bureau of Safety and Service, performs duties pertaining to the administration and performance of the functions with respect to domestic transportation, storage and port facilities, as that term is defined in section 601 (k) of Executive Order 10480, dated August 14, 1953 (18 F R. 4939), delegated to the Commission and redelegated to said Commissioner under the Defense Production Act of 1950, as amended.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 55–8364; Filed, Oct. 13, 1955; 8:49 a. m.]

[Sec. 5a Application 58]

MACHINERY HAULERS ASSN.

APPLICATION FOR APPROVAL OF AGREEMENT

OCTOBER 12, 1955.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed October 10, 1955.

A. R. Fowler, Secretary, Machinery Haulers Association, 2288 University Avenue, St. Paul 14, Minn.

Agreement involved: An agreement between and among common carriers by motor vehicle, members of the Machinery Haulers Association, relating to rates, classifications, divisions, allowances, and charges (including charges between carriers and compensation paid or received for the use of facilities and equipment), and rules and regulations pertaining thereto, governing the transportation of machinery or related articles between points in the United States.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by

the General Rules of Practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 55-8373; Filed, Oct. 13, 1955; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11482, 11483; FCC 55M-857]

AMERICAN COLONIAL BROADCASTING CORP. AND SUPREME BROADCASTING CO., INC.

NOTICE OF PREHEARING CONFERENCE

In re applications of American Colonial Broadcasting Corporation, Caguas, Puerto Rico, Docket No. 11482, File No. BPCT-1980; Supreme Broadcasting Company, Inc., Caguas, Puerto Rico, Docket No. 11483, File No. BPCT-1991, for construction permits for new television broadcast stations.

Notice is hereby given that pursuant to Section 1.813 of the Commission's Rules a prehearing conference in the above-entitled proceeding will be held at 10:00 a. m., Friday, October 14, 1955, in Washington, D. C.

Dated: October 6, 1955.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55-8371; Filed, Oct. 13, 1955; 8:50 a. m.]

[Mexican Change List 163]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

SEPTEMBER 26, 1955.

Notification under the provisions of part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying the Appendix containing assignments of Mexican Broadcast Stations (Mimeograph 47214-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power	Antenna	Schedule	Class	Probable date of operation
		900 kilocycles				
XENO	Ciudad Lerdo, Durango (change in call letters from XENQ).	100 w	-------	D	IV	Sept. 23, 1955
		1100 kilocycles				
XEAD	Guadalajara, Jalisco (increase in daytime power).	1 kw D/125 w N	ND	U	IV	Dec. 23, 1955
		1220 kilocycles				
XECV	Ciudad Valles, San Luis Potosi (change in call letters from XEII).	1 kw	ND	D	III	Sept. 23, 1955
XEBL	Culiacan, Sinaloa (increase in daytime power).	5 kw D/500 w N	ND	U	III-B	Dec. 23, 1955
		1340 kilocycles				
XEOK	Durango, Durango (increase in daytime power).	1 kw D/250 w N	ND	U	IV	Do.
		1500 kilocycles				
XESA	Culiacan, Sinaloa (increase in daytime power).	5 kw D/500 w N	ND	U	III-B	Do.
		1580 kilocycles				
XENQ	Tulancingo, Hidalgo (assignment of call letters).	500 w N/5 kw D	-------	U	II	Sept. 23, 1955

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 55-8372; Filed, Oct. 13, 1955; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-7212, etc.]

STANDARD OIL COMPANY OF TEXAS ET AL.

NOTICE OF FINDINGS AND ORDERS

OCTOBER 7, 1955.

In the matters of Standard Oil Company of Texas, Docket No. G-7212; D. C. Latimer, Docket No. G-7237; Baldwin Gas Company, Docket No. G-8114; T. E. Bickel, Estate, Docket No. G-8412; Summit Gas & Development Company, Docket No. G-8414; J. F. Pritchard, Docket No. G-8524; Fairfax Oil & Gas Company, Docket No. G-8532; The Otto-Nelle Oil & Gas Company, Docket Nos. G-8535, G-8537; P. O. Burgy and B. S. Marshall, Docket No. G-8536; Peters, Writer and Christensen, Inc., Docket No. G-8545; Jake L. Hamon, Docket No. G-8557; Moon Gas Company, Docket Nos. G-8596, G-8642; J. B. Murphy et al., Docket No. G-8597; H. H. Howell, Docket No. G-8639; W. L. Heeter, Docket No. G-8823; Atmar Producing Company, Docket No. G-8911, John R. LeBosquet et al., Docket No. G-8935; Lorentz C. Hamilton, Jr., Docket No. G-8961, Hays and Anderson, Docket No. G-9103; R. D. Gas Company, Docket No. G-9110; Robinson Oil & Gas Company, Docket No. G-9148; Texas Gas Transmission Corporation, Docket No. G-9203.

Notice is hereby given that on October 4, 1955, the Federal Power Commission issued its findings and orders adopted September 28, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-8362; Filed, Oct. 13, 1955; 8:48 a. m.]

[Docket No. G-9201]

SOUTHERN NATURAL GAS CO.

NOTICE OF HEARING

OCTOBER 11, 1955.

Take notice that Southern Natural Gas Company (Applicant) a Delaware corporation whose address is Watts Building, Birmingham, Alabama, filed on August 8, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to construct and operate facilities for the transportation of natural gas in interstate commerce as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct as an integral part of its present system approximately 100 feet of 4½ inch pipeline for the purpose of transporting, selling and delivering natural gas on an interruptible basis to Southern Nitrogen Company (Nitrogen) for industrial use in its synthetic nitrogen plant to be constructed by Nitrogen near Savannah, Georgia.

Said line will run from a tap on Applicant's existing 14 inch Savannah line for approximately 100 feet in a westerly direction to a meter station to be located at or near the proposed plant.

Applicant also proposes (1) to construct a measuring and regulating station at the terminus of said line, (2) to increase by 1,000 horsepower the existing compression facilities at the Ocmulgee compressor station by supercharging four 1,100 horsepower engines so as to add 250 horsepower to each unit, and (3) to construct a new compressor station at Wrens, Georgia, having a single portable compressor of 660 horsepower.

The estimated cost of constructing Applicant's proposed facilities is $266,800.00 The cost of construction will be defrayed from cash on hand or to be derived from current operations. It is estimated that the full cost of constructing the facilities will be recovered in about 1½ years based upon the estimated net annual operating revenues arising from the proposed sale.

Applicant proposes to supply Nitrogen with its entire plant requirements of natural gas for process gas and for fuel, estimated at a maximum of 11,000 Mcf per day and 500 Mcf per hour, subject to curtailment or interruption of deliveries

at any time and from time to time except that no interruption is annually anticipated from June 1 to October 31 except as may be necessary during this period on account of force majeure.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on Friday, October 28, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-8368; Filed, Oct. 13, 1955; 8:50 a. m.]